

**ZB# 07-03**

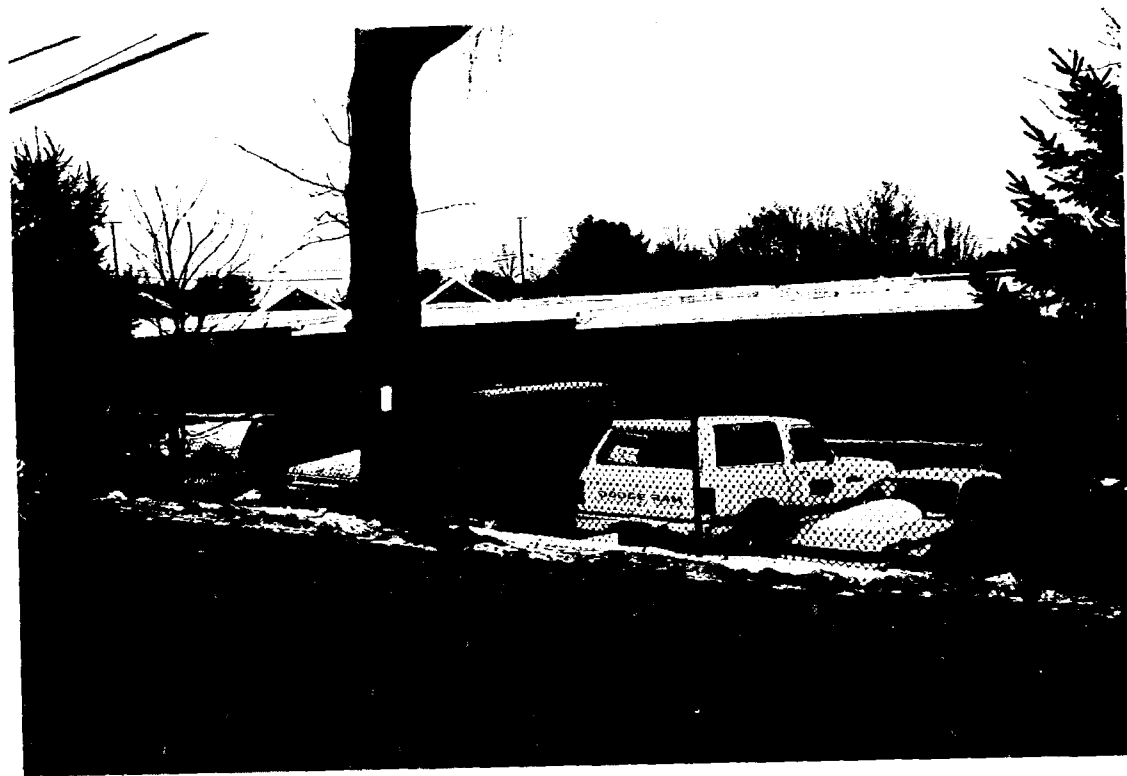
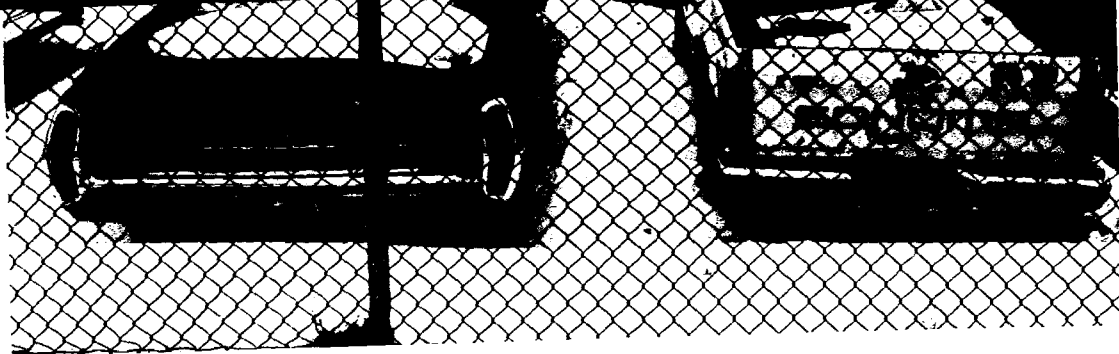
**Jerry's Self-Storage**

**29-1-92.2**

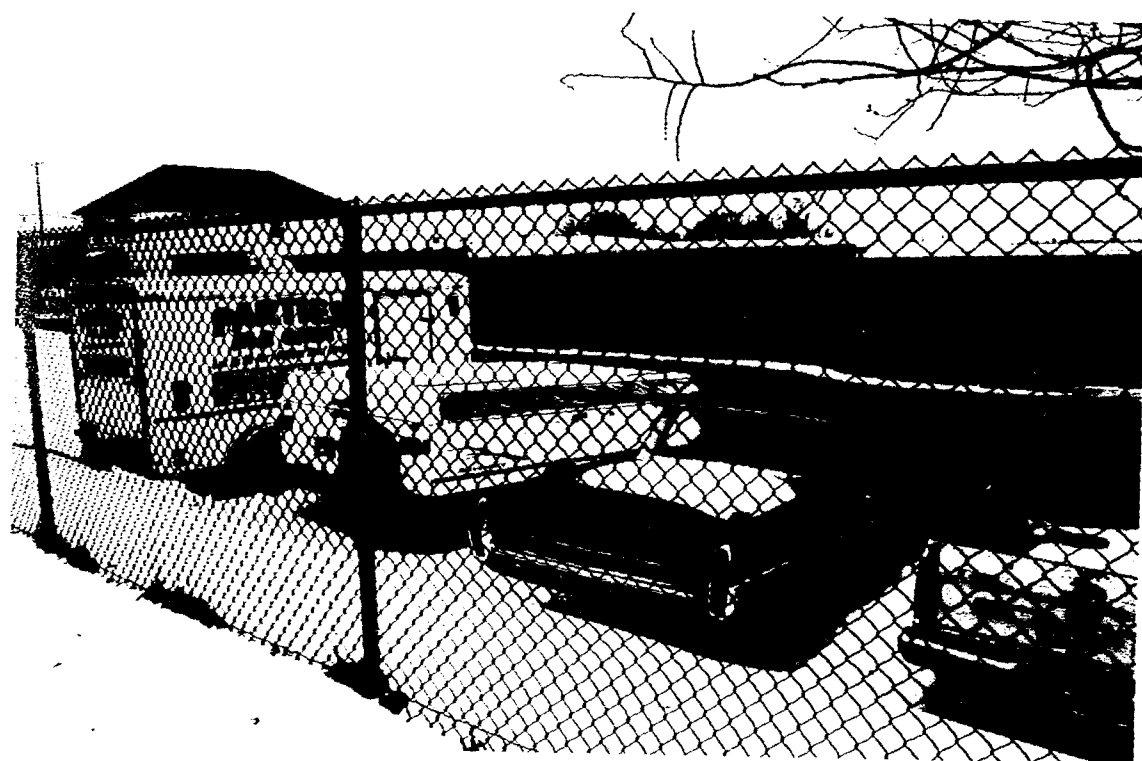
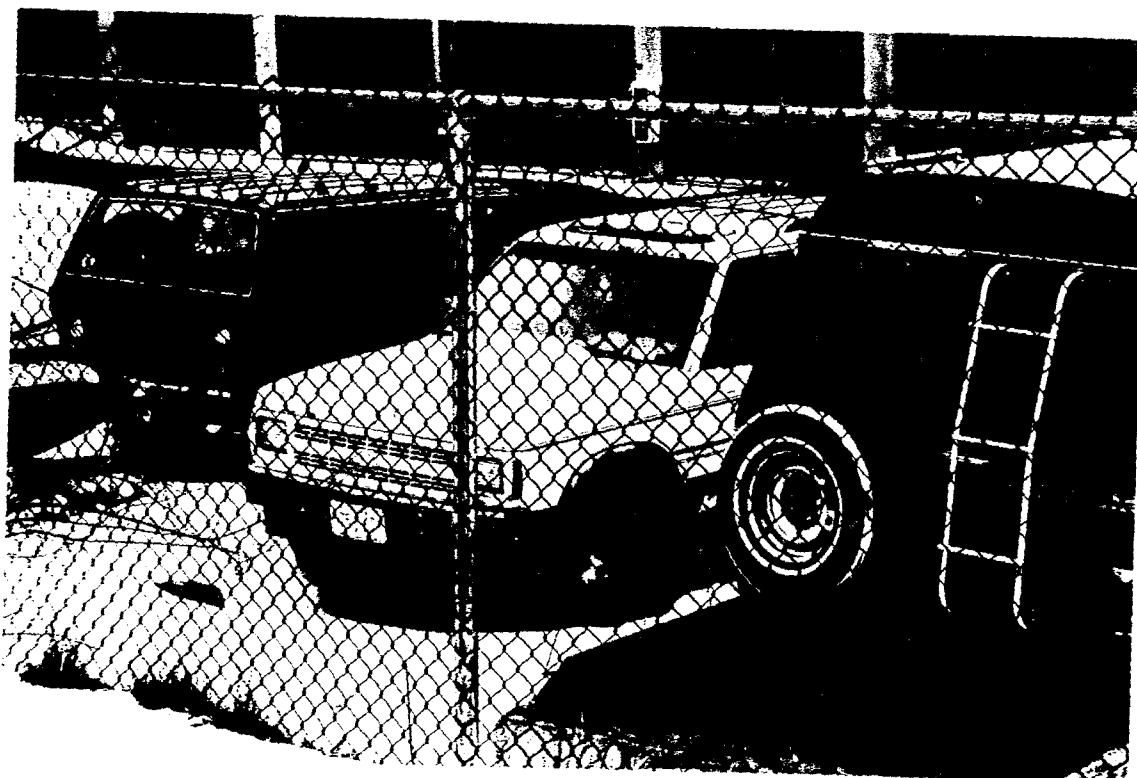
ZONING BOARD OF APPEALS  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553  
*Granted 2-26-07*

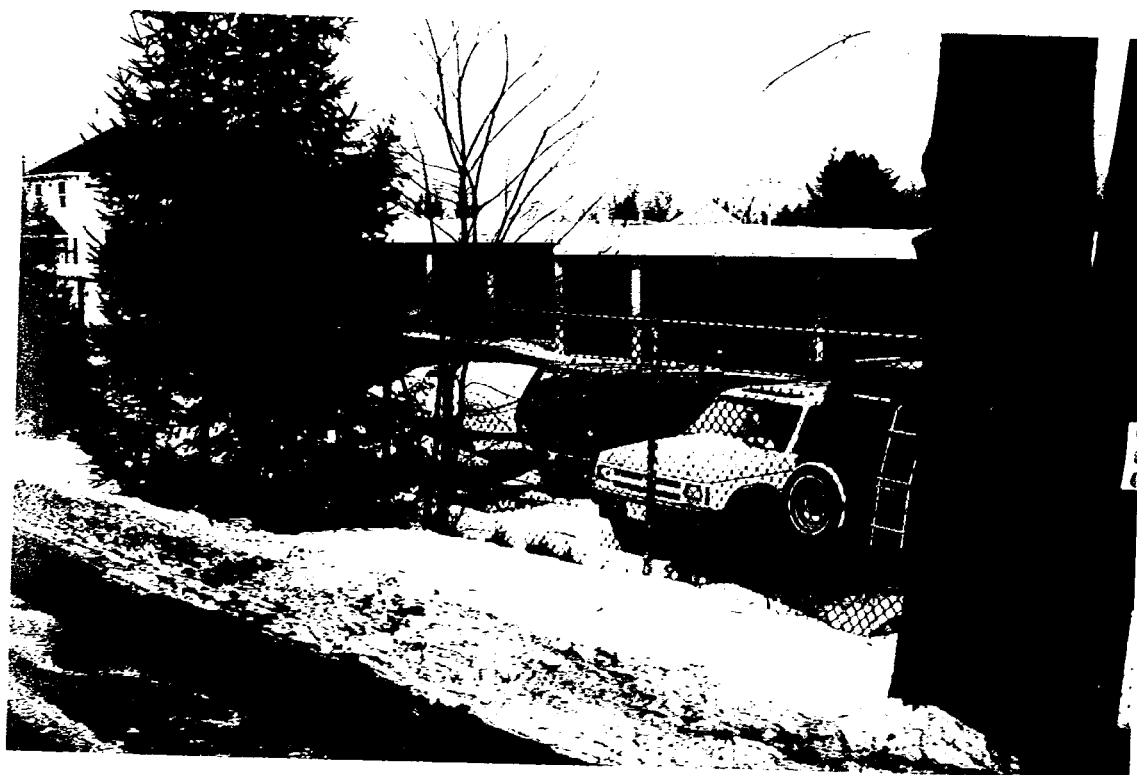
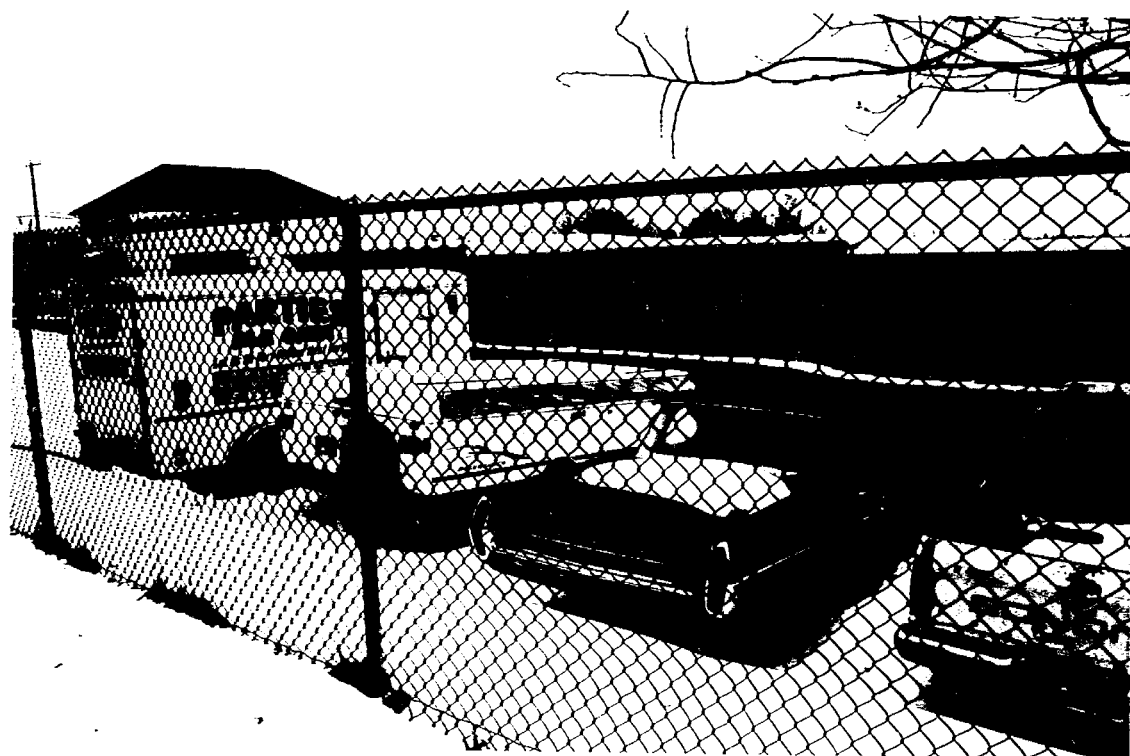
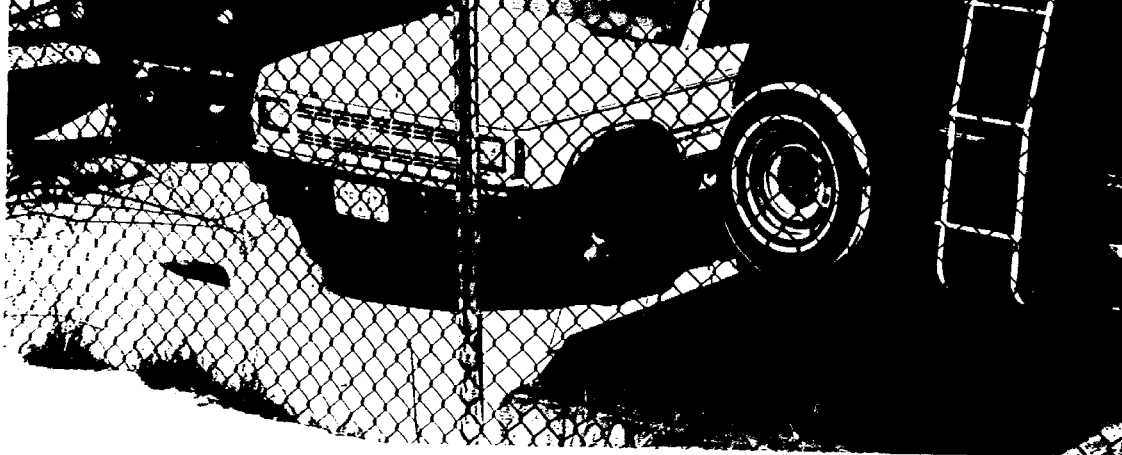
07-03 JERRY'S SELF STORAGE (area)  
Rt. 207 & Toleman Rd. (29-1-9)







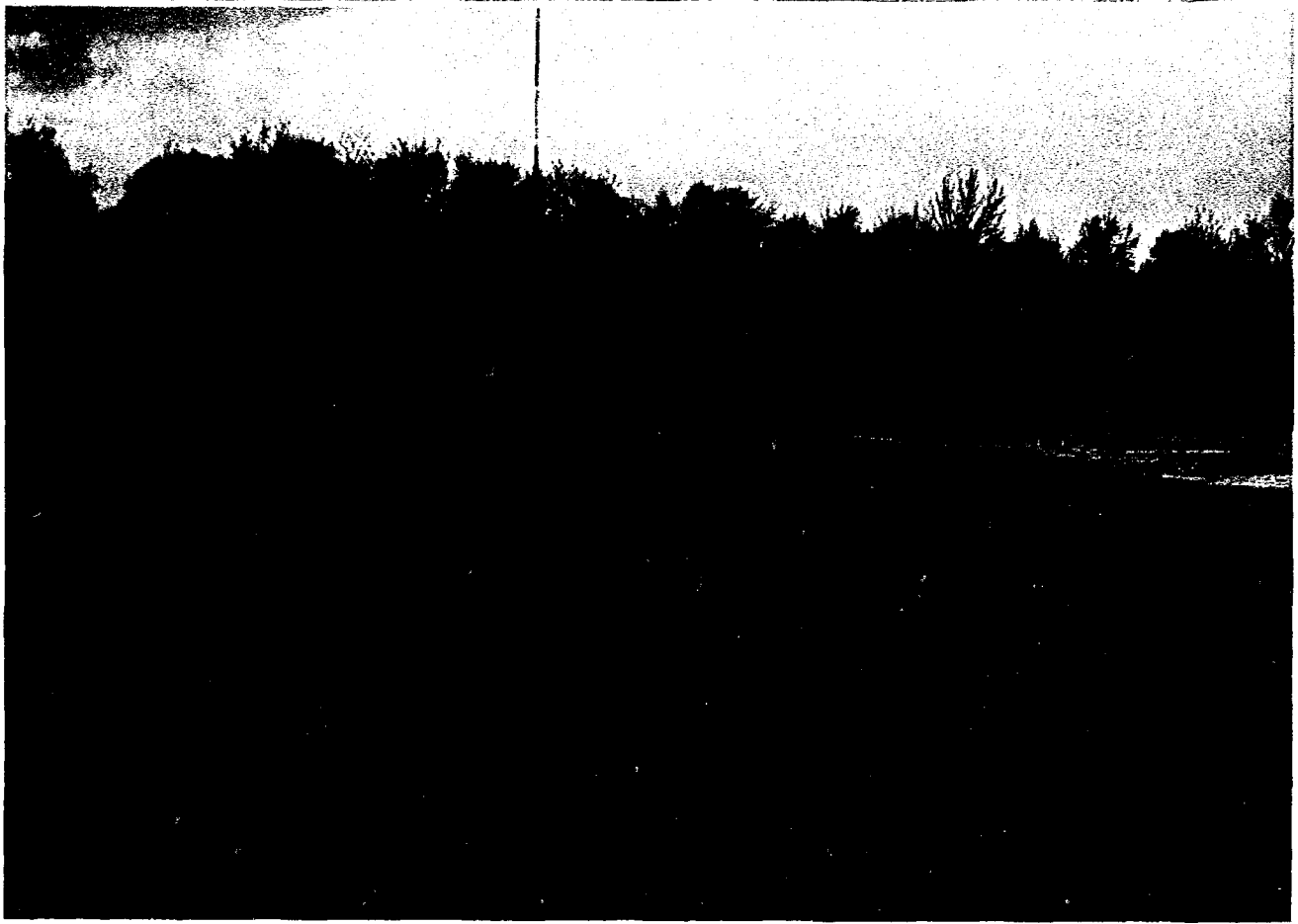












**OFFICE OF THE PLANNING BOARD  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NY**

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION**

PLANNING BOARD FILE NUMBER: 06-33

DATE: 1-16-07

APPLICANT:

Jerry's Self Storage  
P.O. Box 522, Vails Gate, NY 12584

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 11-22-06

FOR: SITE PLAN

LOCATED AT: East Side of Toleman Road

ZONE: OLI

DESCRIPTION OF EXISTING SITE: SEC: 29 BLOCK: 1 LOT: 92.2

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Lot Area (gross), Lot Area (net), Lot Width, Off-street Parking Variances Required.

TOWN OF NEW WINDSOR CODE: Bulk Tables

Mark J. Edsall, P.E., P.P.  
Mark J. Edsall, P.E., P.P.  
Engineer for the Planning Board

**NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued**

**REQUIREMENTS**

P.B. # **06-33**

ZONE: **OLI**

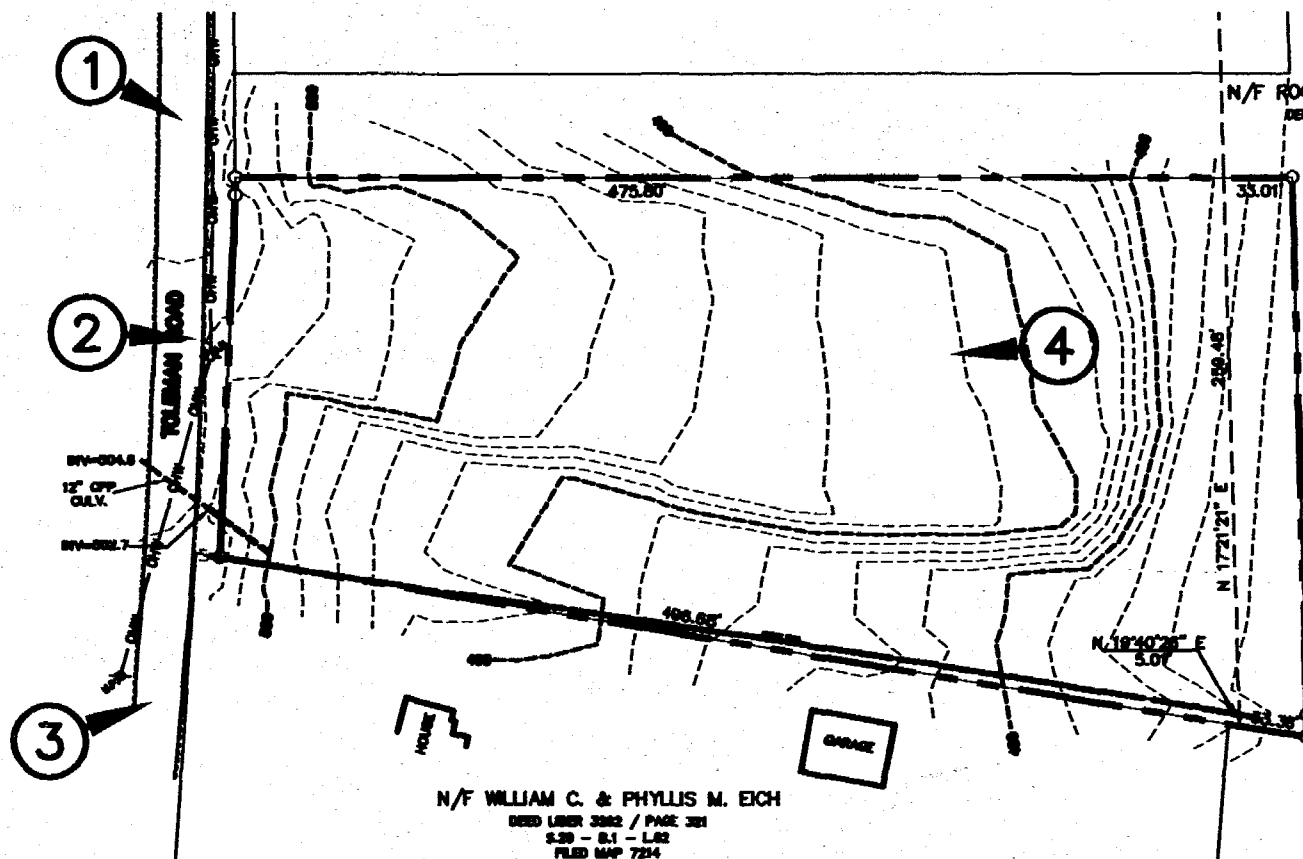
USE: **A-12**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA (gross)	5 acres	2.69	2.31 acres
MIN. LOT AREA (net)	3 acres	2.69	0.31 acres
MIN. LOT WIDTH	200 ft	191.78	9 ft
REQUIRED FRONT YARD	50 ft.	124.9	-
REQUIRED SIDE YARD	50 ft.	58.5	-
REQUIRED TOTAL SIDE YARD	100 ft.	123.5	-
REQUIRED REAR YARD	50 ft.	187.8	-
REQUIRED FRONTAGE	50 ft.	183.55	-
MAX. BLDG. HT.	50 ft.	35	-
FLOOR AREA RATIO	n/a	-	-
MIN. LIVABLE AREA	n/a	-	-
DEVELOPMENTAL COVERAGE	85%	44.6	-
O/S PARKING SPACES	1/10 = 38	12	26 spaces

**PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.**

**CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE**





N/F ROCK TAVERN VILLAGE, L.P.  
DEED LIBER 3087 / PAGE 100  
S.20 - S.1 - L.83  
FILED MAP 257-02  
LOT #3

## PICTURE INDEX JERRY'S SELF STORAGE

JOB NO. 26026  
DATE: 1-18-08

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 29-1-92.2

In the Matter of the Application of

MEMORANDUM OF  
DECISION GRANTING

**JERRY'S SELF-STORAGE**

**AREA**

CASE #07-03

**WHEREAS, Gerald Zimmerman, P.E. represented the**, owner(s) of 29-1-92.2 - Toleman & Rt. 207, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for:

2.31 acres Gross Minimum Lot Area  
0.31 acres Net Minimum Lot Area  
9 ft. Minimum Lot Width  
26 Parking Spaces

375 Self-Storage Units at Toleman Road and Rt. 207 in an OLI Zone

**WHEREAS**, a public hearing was held on February 26, 2007 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

**WHEREAS**, the Applicant and his representative appeared on behalf of this Application; and

**WHEREAS**, there were three spectators appearing at the public hearing; and

**WHEREAS**, three spoke opposition to the Application; and

**WHEREAS**, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

**WHEREAS**, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
  - (a) The property is a commercial property located in a neighborhood of commercial properties where the proposed use is allowed in an OLI zone.

- (b) The applicant proposes to build a self-storage, single building containing four stories.
- (c) The property is located on Toleman Road at the intersection of a busy State Highway.
- (d) In constructing the building, the applicant will not remove any trees or substantial vegetation.
- (e) In constructing the building the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements
- (f) In site will have on-site drainage, in a manner approved by the Planning Board, so that it will not create the ponding or collection of water or divert the flow of water drainage.
- (g) The lighting on the property will be so designed so that it will not interfere with any neighbor's use of its property.
- (h) The property is immediately adjacent to, but not a part of, a residential zone.

**WHEREAS,** The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Zoning Board of Appeals of the Town of New Windsor GRANT a Request for:

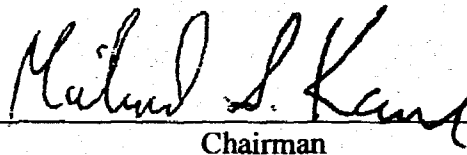
2.31 acres Gross Minimum Lot Area  
0.31 acres Net Minimum Lot Area  
9 ft. Minimum Lot Width  
26 Parking Spaces

375 Self-Storage Units at Toleman Road and Rt. 207 in an OLI Zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

**BE IT FURTHER**

**RESOLVED**, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: February 26, 2007

  
Chairman

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
OFFICE  
845-563-4615**

**MEMORANDUM**

**TO: JACK FINNEGAN, COMPTROLLER**  
**FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD**  
**DATE: APRIL 18, 2008**  
**SUBJECT: ESCROW REFUND**

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 185.12 TO CLOSE OUT  
ESCROW FOR:**

**ZBA FILE #07-03**

**NAME & ADDRESS:**

**GERALD SCOTT SABINI  
P.O. Box 522  
Vails Gate, NY 12584**

**THANK YOU,**

**MYRA**

**J.F.04-18-08**



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS  
RECORD OF CHARGES & PAYMENTS**



FILE #07-03

TYPE:AREA

TELEPHONE: 561-0220

**APPLICANT:**

Jerry's Self-Storage (Sabini)

P.O. Box 522

Vails Gate, NY 12584

RESIDENTIAL:	\$ 50.00	CHECK #	_____
COMMERCIAL	\$ 150.00	CHECK #	<u>1005</u>
INTERPRETATION	\$ 150.00	CHECK #	_____

ESCROW: COMMERCIAL \$500.00 CHECK #1006



<u>DISBURSEMENTS:</u>	<u>MINUTES</u>	<u>ATTORNEY</u>
	<u>\$7.00 / PAGE</u>	<u>FEE</u>

PRELIMINARY:	<u>10</u>	PAGES	\$ <u>70.00</u>	\$ <u>35.00</u>
2 <sup>ND</sup> PRELIMINARY:	—	PAGES	\$ _____	\$ _____
PUBLIC HEARING:	<u>23</u>	PAGES	\$ <u>161.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	—	PAGES	\$ _____	\$ _____

LEGAL AD: Publish Date:2-16-07 \$ 13.88

TOTAL: \$ 244.88 \$ 70.00



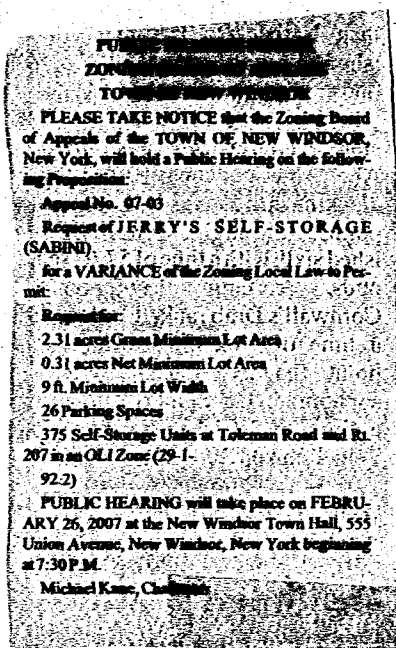
ESCROW POSTED: \$ 500.00  
LESS: DISBURSEMENTS: \$ 314.88

AMOUNT DUE: \$ \_\_\_\_\_

REFUND DUE: \$ 185.12

Cc:

J.F. 04-18-08



State of New York  
County of Orange, ss:  
Kathy Amanatides being duly  
sworn disposes and says that she is  
The Supervisor of Legal Dept. of  
the E.W. Smith Publishing  
Company; Inc. Publisher of The  
Sentinel, a weekly newspaper  
published and of general  
circulation in the Town of New  
Windsor, Town of Newburgh and  
City of Newburgh and that the  
notice of which the annexed is a  
true copy was published in said  
newspaper, 1x time(s)  
commencing on  
the 16 day of Feb. A.D., 2007  
and ending on the 16 day of  
Feb. A.D. 2007

*[Handwritten signature]*

Subscribed and shown to before  
me this 22<sup>nd</sup> day of Dec., 2007  
*[Handwritten signature: Deborah Green]*  
Notary Public of the State of New  
York County of Orange.

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4984065  
Commission Expires July 15, 07

My commission expires \_\_\_\_\_.



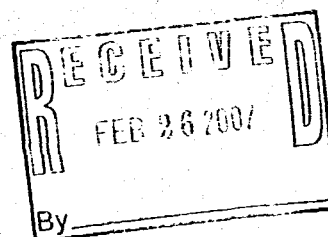
# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
2/20/2007	121

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553



*MGM*

P.O. No.	Terms	Project
48316		

Issue Date	Description	Rate	Amount
2/16/2007	LEGAL ADS: JERRY'S SELF STORAGE	9.88	9.88
	1 AFFIDAVIT	4.00	4.00
		<b>Total</b>	<b>\$13.88</b>



ZBA #07-03 Applicant fee

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#68-2007**

01/26/2007

Sabini, Gerald

Received \$ 150.00 for Zoning Board Fees, on 01/26/2007. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

**TOWN OF NEW WINDSOR**  
**ZONING BOARD OF APPEALS**  
**RECEIPT OF ESCROW RECEIVED:**

DATE RECEIVED: 01-18-07

FOR: ESCROW 07-03

FROM:

**Jerry's Self-Storage (Sabini)**  
**P.O. Box 522**  
**Vails Gate, NY 12584**

CHECK FROM:

**GERALD SCOTT SABINI**  
**SAME ADDRESS AS ABOVE.**

CHECK NUMBER: 1006

TELEPHONE: 561-0220

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

  
\_\_\_\_\_  
NAME

1/27/07  
\_\_\_\_\_  
DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: February 16, 2007

PROJECT: Jerry's Self-Storage ZBA # 07-03  
P.B.# \_\_\_\_\_

USE VARIANCE: \_\_\_\_\_ NEED: EAF \_\_\_\_\_ PROXY \_\_\_\_\_

LEAD AGENCY: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

NEGATIVE DEC: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

APPROVED: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_ CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

**ALL VARIANCES - PRELIMINARY APPEARANCE:**

SCHEDULE PUBLIC HEARING: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN \_\_\_\_\_  
LUNDSTROM \_\_\_\_\_  
LOCEY \_\_\_\_\_  
TORPEY \_\_\_\_\_  
KANE \_\_\_\_\_

CARRIED: Y \_\_\_\_\_ N \_\_\_\_\_

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED: M) Lo S) G VOTE: A \_\_\_\_\_ N \_\_\_\_\_

GANN A  
LUNDSTROM N  
LOCEY A  
TORPEY A  
KANE N

CARRIED: Y ☒ N \_\_\_\_\_

William Eick: Spoke re. Trees removed - his privacy - safety, flooding  
Boats parking  
Debbie Lorraine: Toleman - Landscaping - her property value - dumping  
Ben Eaton - 530 Toleman - Drainage - traffic accidents - lights blinding  
light pollution

PUBLIC HEARINGS:

JERRY'S\_SELF-STORAGE\_(SABINI)\_(07-03)

Gerald Zimmerman appeared before the board for this proposal.

MR. KANE: Request for 2.31 acres gross minimum lot area, 0.31 acres net minimum lot area, 9 foot minimum lot width and 26 parking spaces at Toleman Road in an OLI zone. I'd ask if there's anybody in the audience for this particular hearing? If you are, we're just going to send a paper out just for your name and address for the young lady over there. When the public portion starts, I'll let you know. Okay, sir, tell us what you want to do, speak loudly so everybody can hear you.

MR. ZIMMERMAN: My name is Gerry Zimmerman representing the applicant for this project. And the proposal is to build a self-storage, single building self-storage units. The proposed building size is 200 feet by 80 feet and it's intended to be a four story building for a total of 64,000 square feet of storage. The property is located on Toleman Road, the intersection with 207, Route 207 and the land area of the lot is 2.69 acres. The variances that are necessary for this proposal, this lot is an existing single lot and the zoning requires for self-storage units in this district the minimum gross lot area needs to be five acres and we're proposing 2.69 acres, that's what the existing lot area is. Additionally, the zoning requires a minimum lot area of 3 acres and present lot is providing 2.49 acres, again, this is an existing lot. Additionally, the variance, we also require a variance for lot width in this zone, what's required is 200 feet and the existing lot is 9 feet short of that requirement, 191 feet. And the fourth variance that's requested is for parking. The zoning requires for 375 units 38 spaces and we're proposing 12 spaces, parking spaces on the

site. So those are the four variances that are being requested. And if I may in that regard, you know, the lot is already an existing lot and as a result of that we cannot achieve meeting the zoning requirements because there's no other land area to be had and we have to deal with the lot that we have at hand. Additionally, the use that's proposed we feel is consistent or in conformity with the surrounding neighborhood, the adjoining property to this to the north of this property there already exists a self-storage facility so we feel that this proposal is in conformity with the neighborhood. Again, the variances were not self-created and we feel that the variances are not substantial in terms of what the requirements are. The parking, you know, number wise may be however for this type of use historically minimal parking is required, we know that the adjoining property has a similar number of parking spaces that we're proposing and other self-storage facilities in the area also have the need for a smaller number of parking spaces, so I believe 12 parking spaces would be sufficient for this proposal. We also feel that this proposal would not be, have an adverse affect on the health, safety and welfare of the area. It's a self-enclosed, self-contained building, access to all of the units would come into the building so there shouldn't be a situation where things are, you know, access from all different portions so we feel that we'd like for the board to consider granting this variance.

MR. LUNDSTROM: Mr. Chairman, one question, you mentioned that to the north of this proposed building there's another self-storage area?

MR. ZIMMERMAN: Yes.

MR. LUNDSTROM: How many stories is that? You're talking about four story storage here.

MR. ZIMMERMAN: Yeah, the property to the north that

particular facility is a series of single story self-storage units, they're kind of the typical, typical ones that you see throughout the area. They're single story in long rows and that's what you have adjoining this property.

MR. TORPEY: But they're set far off to the corner by the road?

MR. ZIMMERMAN: Correct.

MR. TORPEY: They're not in towards the development, the one on the north?

MR. ZIMMERMAN: Yeah, I guess they're contained within the, I don't have that particular site plan with me tonight but I guess those units are set back just what the zoning requires.

MR. TORPEY: They're up by the highway.

MR. KANE: Cutting down any trees, substantial vegetation in the building of this?

MR. ZIMMERMAN: The existing site there's grass but there are no trees on the site.

MR. KANE: Will you be creating any water hazards or runoff problems with the building of the storage unit?

MR. ZIMMERMAN: The proposal calls for, we're proposing to install storm drainage facilities to control the drainage on the site. Additionally, there's an existing culvert that crosses Toleman Road and the drainage for that runs off onto an adjoining property and our proposal is to pick that up and create a swale along our property and bring that away from that so that should improve that condition.

MR. LUNDSTROM: Once this building and the parking lot

is put in, what percentage of that land would now become impervious to rain water?

MR. ZIMMERMAN: It's 44.6 percent, the zoning is 85 percent, you're allowed to go to, we're showing 45 percent.

MR. LUNDSTROM: That's the parking lot and the building?

MR. ZIMMERMAN: Correct. Also, if I may, we're proposing one of our other sheets the drawings is to create landscaping on this site, landscaping and lighting plan which--

MR. KANE: Can you address the lighting?

MR. ZIMMERMAN: Yes, the landscaping and lighting plan that we have what we're proposing for the residential property to the south we're proposing to install six to eight foot tall Doug firs and blue spruce trees along that property line and other landscaping on the site as well and as far as lighting we're proposing to have lighting on the building and two pole mounted lights towards the front. We show, you know, isolux curves and we're looking to keep the lighting concentrated on the site with minimal spilloff to any of the adjoining properties.

MR. KANE: To the home down to the south?

MR. ZIMMERMAN: Yes.

MR. KANE: Does the dotted areas that are in there, is that the range of the lights?

MR. ZIMMERMAN: Yeah, that represents the .50, 0.5 foot candle intensity of that particular light and we did discuss that with the planning board at the workshop meeting, this was a recommendation from the planning

board engineer.

MR. KANE: Okay, at this point, I think what I want to do is open it up to the public and hear what the neighbors have to say. Please state your name and address, speak clearly.

MR. EICH: My name is William Eich, I own the first house next to the proposed building he's going to put up. I have a very expensive home, half a million dollar home there, I have been there since 1989, I purchased the property from Lester Clark, the home. The land that he's apparently talking about and asking about trees and all that, they removed all the trees, it was always all wetlands, I don't know if there's an environmental thing taken on this property yet. To me, it's going to be a great injustice for my privacy having a four story building there. I will have lights, he's talking putting big pole lights up and everything there, what they're telling you is that there's combination locks to these places with a fenced in place where people can come in at all times. I worry about the safety part of it from all different people coming in there using these storage facilities. I already had one part of damage happen to my property as far as flooding due to Hank VanLeeuwen and Lester Clark that all the fill that was over at the Home Depot was brought over and dumped, hundreds of truck loads of fill right next to my property line where they're going to build this storage shed just on the other side now, on the other side of it within 30 feet. And the fill when they got done was 30 feet high. When I bought my home, I was able to look out, my home faces Route 207, I mean Toleman Road, I have a 2 acre lot and I used to be able to look right out, real nice out to 207 but now since this dumping went on with Hank VanLeeuwen filling all the stuff in I can't even look out, I've got a contemporary home, my second floor window I can't even look out to Route 207 no more because of the dumping that went on. I'm getting water damage coming down



now, on his property here they put culverts in already coming across the road coming off the hill down off Toleman Road coming onto his proposed site which is going to run along the back of the hill which is only about maybe 400 feet back on that big pile of mound that they got there and all this water's coming back behind my property and his property the gentleman behind me.

MR. KANE: Is that water draining off the property that we're talking about?

MR. EICH: Yes, yes, it is. I just can't think of everything, I had a whole lot--oh, the tarps, this parking facility they make it sound real good. Well, we'd like to have 25 parking spaces, you go down on the corner on 207 where the storage places are here they got boats covered up with blue canvases, dump trucks, these things, are these parking spots for cars and the size of them, what size are these parking places? I don't want to live next to a junk yard where they're charging people to pay for storage keeping their boats, RV vans there and everything, that's what's happened now, they got eight spots on the corner of Toleman Road on one side and I think 12 or 13 spots on the other side, this was apparently was supposed to be built for indoor storage, the corner spots, but not, we got all this junk on the corner and I didn't spend a half million dollars to be looking at junk. Thank you.

MR. KANE: Thank you. Next?

MS. LORRAINE: Debbie Lorraine, 515 Toleman Road. It's become an eyesore down there. He speaks of landscaping but I don't even think that they fulfilled the first plan of landscaping that they were supposed to do down there. And I--

MR. KANE: It's not the same people.

MS. LORRAINE: I didn't know that, I'm sorry.

MR. KANE: Just letting you know.

MS. LORRAINE: I know there's been a lot of water problems in the area, I recently I had a real estate agent come into my home and said already with this on the corner it already lessens the value of my home. Now if you're talking about four stories, this is huge here and you're talking about right across from people's homes like he said that are half a million dollar homes and it's become a dumping ground, there's rusted out cars, we have complained many times to Town of New Windsor several times and all they do is throw old license plates onto these rusted out cars, these cars that are up for sale that are laying there, the boats with tarps that blow off them, it's an eyesore and I don't think anything else should be allowed on that property.

MR. LUNDSTROM: Mr. Chairman, if I may, the two people that have spoken already I don't know what stage this is at in the planning board but if you attended a public hearing at the planning board.

MS. LORRAINE: This is the first notice I've gotten and in fact when the first one went up, I was never even notified.

MR. KANE: There's no public hearing if they didn't have to come in front of us because of whatever variances they needed we're mandated by law to hold a public hearing to grant the variance, the planning board is not mandated as far as I know to hold public hearings on it so--

MR. BABCOCK: Just so you know, the planning board is a different requirement, you know, the zoning board is everybody within 500 feet of this property, the planning board is adjoining neighbors, so this lot

would have gotten a notice.

MR. KANE: But not the gentleman behind.

MR. BABCOCK: For the first one on Toleman Road.

MR. EATON: My name is Ron Eaton, 530 Toleman Road. I guess the concerns I have are actually quite a few. Firstly, some drainage lines have already been dropped into that area from what I can see pipes went in there last year. Since the expansion of the original facility which may have been under another owner, we, when we moved in in 1999, our property was not flooded out and that's evidenced by the fact that we had a sprinkler system on our property to allow the grass to grow. Now the back 2 1/2 acres of my 4 1/2 acre lot or 4 1/4 acre lot is totally mush year round, we can't even go in and cut some of the lawn without hand scything it and cutting it with smaller mowers because we get stuck. That's a direct result of the extension and the drains and runoff of the first expansion. Secondly, the corner is a dangerous corner to begin with, there's a lot of accidents, we turn around and expand this further we're going to have more accidents. In addition, the lights on the corner blind you at that corner, there are lights at the sign that say self-storage and at nighttime, you can't see any oncoming traffic because the flood lights hit you right in the eyes. It increases the traffic flow. We have already had one animal who wasn't even close to the road who got hit because people were speeding down there and they whip into this facility and I'm a tenant of that facility, just so you know. The people did a good job with what they have there, I'm not against the current one that's there but to turn around and put a four story facility in one will create light pollution for us, it will totally take out our sky that we can even see at night because we're going to have a four story structure that we're going to have coming into the side of our house with light that will be open

24-7. As far as landscaping, you can't hide it even if you put up eight foot trees if you're going four stories up you're going at least 40 feet in the air, those trees aren't going to do anything. Okay, the flooding caused by that is killing, I had hundreds of trees on my property, I've lost almost 15 trees in the last year because of the amount of water coming into the back of my land. When the Town of New Windsor came up to look at my property, they made a comment about well, you've got water seeping out, we were trying to fix a drainage area that had gotten so bad the land had turned to muck and I got threatened with a fine because I was trying to fix what was being caused by runoff from the other property. And it was causing more pressure on the underground so that other areas of drainage were coming up and percolating up into my land. This facility will ruin the value of my property completely. That's the first thing. We raised the road which has now caused flooding into my house. I've had to put a Best-Dry (phonetic) system in, the road's been changed again, so even more water comes in and we had water pouring through our house walls which we've had to fix. The raising of the road to allow these kind of additional facilities has also been put at such a slope we can't even get a suburban up a slope. In addition, the town expanded that road out by over a foot and a half onto our land and took away the natural culvert that was there so now I have tarmac going right up into my post office box and I've lost a, I believe it was a circumference of the tree was 7 1/2 feet oak that died because of this roadwork and it almost hit my house. Now we're being asked to give an easement on a property that's too small for what it's doing and we're going to go up four stories high. So all I want to say is the problem with this is one it's going to increase traffic which is dangerous, it's going to increase flooding which will ruin not just his and my property but that water if you go back into the woods, you used to be able to walk in the woods, the woods now is a pond, we're creating a flood zone, if we're not careful

and there have been new houses built down the road from us that are back into that woods that were approved by the town so we're going to be pushing into their system and they don't have the drainage systems and the underground sump pump systems, they have french drains on those houses and you're going to have those people with flooded houses. So I really am quite against this, not because I don't want the business to do well, but solely because it's going to continue to damage the environment, that area and take away from our value of our property and we have to comply with the guidelines of the town as well.

MR. KANE: Thank you. Next? Anybody else? Okay, what I would like you to do is address a couple of the concerns that they brought up.

MR. ZIMMERMAN: Okay, as far as he submitted photographs which you have which show the condition of the site, I don't know that it is necessarily a wet area, as you can see from the photographs, additionally that the site slopes away from Toleman Road, so the only property that's behind this property is vacant land and I don't see how even the existing condition drainage from this property runs towards the rear of the property, not towards, you know, Mr. Eich or Mr. Eaton, you know, it's not directly going to their property at all, it's going to a vacant lot which is a large vacant lot which is behind the proposed lot, proposed property.

MR. KANE: Isn't that creating a water hazard or a runoff?

MR. ZIMMERMAN: No, I'm just saying the existing condition is that, you know, it's not running towards their property. As far as the development for the, for what's being proposed here for the development is to capture and contain the drainage that will be created from the, from our proposal, put that into a storm

water collection system and put that into a retention pond which will be built at the rear of the property. Now, this will be worked out as we go through the planning process but the impacts as a result of the proposal is intended to quote unquote have a net increase in runoff from this site to match what's currently there now. This will be your requirement and is a requirement of the planning board and when we're back, you know, if we get back to the planning board with this that will be addressed. As far as the landscaping and lighting, we believe that the proposal that we have by planting and installing vegetation and trees will not cause an adverse impact to the adjoining property owners. I have presented the curves, the lighting curves on the plan, we have reviewed that with planning board's consulting engineer so they have looked at that. We're proposing landscaping, we're proposing that this building is not, the type of building is going to be different than what currently exists to the north. We have a series of storage buildings, I don't know how many there are there where this is going to be a self-contained single building, it's four stories in height, however, because of the topography, it will be listed as we show 35 foot that will be the average grade that we'll be seeing from Toleman Road and from the people to the side that adjoin this property on the sides, just as you can imagine the ground slopes off so you'll have three stories in front that you will see from Toleman Road and at the rear of the building you'll see the four stories. But as you're going along the building, it will increase from three to the four feet because the ground line will drop off. I think, I hope that that addresses comments that were made. I think that we have to get into the engineering and address the issues, lighting, landscaping, drainage, all of this we typically do with the planning board and we have started doing that process at the present time.

MR. TORPEY: Do you know how much fill was put in

there?

MR. ZIMMERMAN: I don't know how much fill was put in but the topography shown on the plan and the photographs that we have given--

MR. TORPEY: So you haven't done a grade height or anything or checked what the existing grade was and what the grade is now?

MR. ZIMMERMAN: Well, this topography that's on the plan now is what the existing grade is.

MR. TORPEY: What about before they put the fill in?

MR. ZIMMERMAN: I don't know, I mean, I don't doubt what the gentleman is saying that fill may have been brought there, I mean, this, all I can show is what the current condition is, I don't have, I wasn't at the property prior to my involvement here.

MR. KANE: At this point, I'm just going to close the public portion unless you have, I'm not going to allow debates but another question?

MR. EATON: One thing I just want to point out you didn't address all the issues.

MR. LUNDSTROM: Give your name again.

MR. EATON: Ron Eaton, 530 Toleman. I raised the issue of the traffic and the danger of the corner which is the ingress egress of the facility that has not been addressed, I don't think any plan's been studied as to how that will impact that corner. But I think if you check with the New Windsor Police you'll find on that corner and on that bend there are a tremendous number of accidents already and there have been fatal ones there, you go down the road, you'll see the little crosses all the way down the road and it's right in the

that area and part of that is you can't see that light and that sign are the problems.

MR. KANE: Thank you. You had one more?

MR. EICH: Just the last thing.

MR. LUNDSTROM: Again, sir, your name please?

MR. EICH: Bill Eich, 538 Toleman Road. The retention pond that he's going to build in the back, nobody brought up the AT&T power line that's running behind it so I cannot see where there's a place for him to build on that property a pond, intercontinental line, AT&T where you had a discussion with the gentleman with the horse farm, I live four houses from the gentleman that had the horse farm.

MR. KANE: Seems to be right on the end of their area.

MR. EICH: If you're going to build a retention pond which the storage said they were going to do build someone that didn't know the land, if you put a transit on it from 207 runs right straight down on an angle, anything coming into that water coming to that property comes right down the whole field, there's 100 acres behind the property that he's dealing with that Lester Clark owns but that area where they're going to build on now was solid muck and normally I'm into building a little bit whatever had to be built on, every bit of muck would have to be removed to get down to hard clay. So we're dealing with a big, big thing going on here as far as that environmental thing. I'm worried about my septic system, I already have problems with the water coming into my house, I had insurance companies come in twice, water damage come in through my wall because all that pile of dirt I spoke to you earlier about and caused me a great expense, an insurance company turns around and says well, we don't cover that so--



MR. KANE: Thank you. Anybody else with a last statement? I'll close the public portion of the meeting and ask Myra how many mailings we had.

MS. MASON: On February 13, I mailed out 17 notices, had one response.

MR. KANE: We have one response which I will read into the record. I'm not going to say the name cause I can't read it, it's handwritten. I just returned from a trip and opened the notice to the above-mentioned hearing today. I am unable to attend this hearing this evening but I ask you to please copy this letter to board members tonight, as we discussed. I am the managing member of Stow-Away Self-Storage, owner of Section 29, 19, 1,2 Stow-Away purchased Safety Storage in 2001 from Jerry Sabini. I'd like to inform you that there is a deed restriction on the subject property of appeal number 0703, as well as any remaining lands of Rock Tavern Village, LLC. I have been asked by the applicant, Jerry Sabini, to release this restriction and I've informed him it was not in my business interest to do so. In light of this, I see no reason for continuing with this hearing, the appeal or approving it. Any comments, and he leaves a phone number. No, I'm not sure of the name, I really can't read it, it's a hand signature. But this is a letter from the current guy which really for us I think that's more of a civil matter.

MR. KRIEGER: The existence of a deed restriction if in fact it exists is and of course this fax doesn't establish that nor does it establish its terms or establish who it is enforceable by, deed restrictions are not laws, it's basically a question which is independent of any action this board takes, if this board were to grant a variance and I'm not suggesting that they should or should not but I'm just giving you--

MR. KANE: We always talk in the affirmative.

MR. KRIEGER: If they were to grant a variance, it would not have any affect whatsoever on the deed restriction. If there is a deed restriction in place and if it's enforceable, the applicant may have some difficulty but even with a variance building on that property, maybe he doesn't, I don't know. But the fact of the matter is it doesn't lie within the power, legal power of this board to deny a variance because of the existence of deed restriction or to effect that deed restriction in any way, even if they were to grant the variance it doesn't release the deed restriction.

MR. KANE: Thank you, Andy. Okay, I'll ask any further questions.

MS. LOCEY: Well, I have a question on the application to come before the zoning board of appeals, there's an attachment and the very first one says minimum lot area gross five acres and proposed 2.69 and then the minimum lot area net required 3 acres and proposed 2.69. How can the net and gross be the same?

MR. BABCOCK: Well, the net and the gross is the total that's there now, the gross area's required to be five acres, what he's saying in his net area, okay, the requirements are 3 acres because of the subtraction of all the easements whatever he's subtracted out of that and it comes to 2.6, 2.49 acres.

MS. LOCEY: Is the difference between the gross area and the net area is what, unbuildable land or--

MR. BABCOCK: No, it's not countable land as far as gross area.

MR. KANE: Can't count the easements. So when you're figuring out the square footage of a lot per se, you would take that out.

MS. LOCEY: I thought it was with or without the building.

MR. BABCOCK: No, it's just the easements and I'm not sure what gets subtracted.

MR. ZIMMERMAN: Well, in this case, it's just the easements.

MR. KANE: Any further questions?

MR. LUNDSTROM: Mr. Chairman, may I direct my question to the building inspector? Is there a height requirement in that zone?

MR. BABCOCK: Yes, the height requirement is 50 feet maximum.

MR. KANE: And the four stories are?

MR. BABCOCK: Fifty feet.

MR. LUNDSTROM: What might the maximum height of a single family dwelling be?

MR. BABCOCK: The maximum height in a residential zone is 35 feet.

MR. LUNDSTROM: So what you're saying the height of this would be the maximum height of a single family dwelling?

MR. KANE: In all honesty, the height is really not an issue for us.

MR. BABCOCK: Yeah, around this property where this line is the OLI zone and where the R-1 zone starts in the R-1 zone it's 35 feet, you can build a house 35 feet high.

MR. KANE: Any other questions? Accept a motion.

MS. LOCEY: I still, I don't know that I have questions but I would like further discussion before we go to a vote. Could the attorney explain to me since this applicant is now in front of both the zoning board of appeals and the planning board and a lot of issues were raised here tonight and I'm not sure if they should be addressed here at the zoning board or if they're planning board issues so what criteria are we to consider when we contemplate this decision?

MR. KRIEGER: All right, as a general rule for guideline purposes when an application is subject to both zoning board of appeals approval and planning board approval, the zoning board of appeals determines if it will be allowed, the planning board determines once it's allowed how it will be constructed. So with respect to lighting, for instance, if the building is allowed then the planning board will make a determination as to exactly in detail what kind of lighting will be permitted but they're going to have to allow some kind of lighting because the zoning board of appeals said yes. If the zoning board of appeals says no, they don't ever reach that question, doesn't go back in front of them.

MS. LOCEY: So a lot of the concerns that were voiced this evening are planning board issues as opposed to zoning board?

MR. KRIEGER: Well, to a certain extent. However, you are charged with the responsibility in considering area variances, considering the character of the neighborhood so while you cannot, it is not proper to get into the details of a lighting scheme, when the question is raised, the question was raised the existence of any lighting at all is problematic that then becomes under the purview of character of the

neighborhood becomes a concern here. So if it's easier to see it this way you have a large picture concern once the large picture is, you have decided, then the planning board has the small picture concern but--

MS. LOCEY: Is the detailed concern.

MR. KANE: Exactly.

MR. KRIEGER: You have the if at all concern. The same would be true for instance of landscaping, if you make a determination that landscaping would be helpful, it is not within the power of this board or within its proper function to get into the details what kind of landscaping, how wide, how tall, what kind of vegetation, that sort of thing.

MR. TORPEY: Shouldn't that building be in that spot?

MR. KRIEGER: But now you're dealing with a if at all question.

MS. LOCEY: Does he mean should it be allowed on this parcel or do you mean should it be allowed where it's planned to be on that?

MR. KANE: The question becomes is that they can put any kind of storage unit on that parcel as long as it fits all of the requirements of square footage and offsets from the line then they're not here at all, they can build what they want, as they go get a permit because they're in that type of zone they're here because they want excess over what's allowable in that particular zone on that size parcel.

MR. KRIEGER: So, in other words, they're not applying for a use variance to use the property in some way that's not allowed, it's just the property is too small.

MS. LOCEY: The properties of William Eich and also Ronald Eaton they're on what's considered the side?

MR. BABCOCK: They're in an R-1 zone, the R-1.

MS. LOCEY: But their property is adjacent on the side of this parcel?

MR. BABCOCK: That's correct.

MS. LOCEY: So we're not looking at the side yard variance because they have enough?

MR. KANE: They have enough, we're looking at total area.

MS. LOCEY: So any variance that's, if this board chose to approve a variance well really doesn't affect the side yard requirements?

MR. KANE: No need right here for it.

MS. LOCEY: They're already in compliance.

MR. BABCOCK: Keep in mind when this lot was created in the OLI zone it had to meet the zoning for the planning board to create it so at one time it did. As the years go by, the zoning changes, so the gross lot area is because of zone has changed, not because of anything else. The lot area as far as net is because of the zoning change. The minimum lot width is a zoning change. This lot didn't change in size, this lot met the zoning when they created it. Today it doesn't meet the zoning because the zoning has changed over time.

MR. TORPEY: But is it zoned for a commercial building.

MR. BABCOCK: Yes, so the real parking requirement is the only thing that he's actually asking for that's not, that he's creating that's not already been created

by this lot being, existing, if that helps you.

MR. TORPEY: So these people are living next to a commercial piece of land that they can put buildings on?

MR. BABCOCK: That's correct, they're right on the zone, that's the line.

MR. KANE: That's where it becomes touchy.

MR. LUNDSTROM: Mr. Chairman, again, question to the building inspector. Mike, you said that the parking spaces, one of the variances that's needed is that considered a self-imposed hardship?

MR. BABCOCK: Well, they're required to have 38 spaces, what they're saying is that they don't need 38 spaces, they have run facilities like this before being at the planning board and at the workshops and listening to what they have told me they've got facilities like this and they don't feel that they need anywhere near that so they're proposing to have 12.

MR. KANE: So you have the black and white on how many size, the size property, how many spaces to go with that depending on square footage of the building then you have the gray area, what's their business, do they need to have 38 parking spaces, will they get people that will use that.

MR. TORPEY: Are these parking spaces going to be outside storage or places for people to park?

MR. BABCOCK: They're going to have 12 park spaces for customer parking and they're going to have 14 outside storage spaces in the rear and they're going to have 22 storage spaces on the opposite side of these residential houses which they can park motor homes and cars and boats and whatever just like the other guy

has.

MR. KRIEGER: Mr. Chairman, if I may, I think Mr. Lundstrom asked a question which probably I should properly address, and that is whether or not the application for parking spaces is a self-created hardship. The answer legally is yes because it is, it's something that doesn't exist and they're asking for it to exist. Yes, it is a self-created hardship because this is an area variance application, however, it is not a, it's a factor that the board can take into consideration but it need not. They're allowed to do that, whereas, if it were a use variance, it's an absolute bar, it isn't an absolute bar here but yes, it is a self-created hardship.

MS. GANN: Mike, the spots that are going to be used for boats, et cetera, where is that location, is it away from the road that people don't see it?

MR. BABCOCK: Yes, it's in the very back of the building along the back edge. Do you have one of these maps?

MS. GANN: Yes.

MR. ZIMMERMAN: It's along the rear here and along the side against the other storage units.

MR. LUNDSTROM: One further question that and again if it is not the purview of this board I will ask the attorney to say so but has the applicant or the owner of this property ever considered securing the advice of storm water management consultant and/or traffic consultant to address some of the concerns that were brought up here?

MR. ZIMMERMAN: Quite honestly, traffic had, we have been to the planning board I guess a couple times before being ready to come here and the idea of traffic



wasn't discussed at the planning board or with the consultants, not to say that it won't be. The issue of the drainage was discussed with the planning board and the planning board engineer and we have represented a conceptual plan if you will as to how we're going to handle it and if we do get back to the planning board then that issue will be dealt with on a more detailed basis with the planning board and their engineer.

MR. BABCOCK: Mr. Chairman, keep in mind this pipe that comes across the road and dumps water on their property is the water that's getting to everybody's property. What they propose to do is pick that water up through a swale on their property and bring it to the back. Right now, it's just going towards Mr. Eich and Mr. Eaton, that property is going this way, if you see the pipe that goes across the road so it's not their, it's not their water, the water that's coming across Toleman Road.

MR. KANE: But it's still water.

MR. BABCOCK: Yes, so by picking that up that, picking the 12 inch pipe and taking it to the back it can only help things as far as these gentlemen are concerned, I don't know if they've seen this plan or not. Do you see that, Eric?

MR. LUNDSTROM: If you would step up.

MS. GANN: We don't know where that is.

MR. KANE: Any further questions?

MS. LOCEY: No, thank you.

MR. KANE: If you're ready, I'll accept a proposal.

MS. LOCEY: I will offer a motion to grant the requested variances on the application of Jerry's

February 26, 2007

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Self-Storage for Jerry Sabini as listed on the New Windsor Zoning Board of Appeals agenda dated February 26, 2007.

MS. GANN: I'll second the motion.

ROLL CALL

MS. GANN	AYE
MR. LUNDSTROM	NO
MS. LOCEY	AYE
MR. TORPEY	AYE
MR. KANE	NO

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

## JERRY'S SELF-STORAGE (SABINI)

**#07-03**

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF ORANGE )

That I am not a party to the action, am over 18 years of age and reside at 131 Mt. Airy Road, New Windsor, NY 12553.

That on the 13TH day of **FEBRUARY**, 2007 , I compared the 17 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

26<sup>th</sup> day of February, 2007

Lisa P. DiStefano  
Notary Public

**LISA R. DISTEFANO**  
Notary Public, State Of New York  
No. 01DI6050022  
Qualified In Orange County  
Commission Expires 10/30/ 2010

**PUBLIC HEARING NOTICE**  
**ZONING BOARD OF APPEALS**  
**TOWN OF NEW WINDSOR**

**PLEASE TAKE NOTICE** that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

**Appeal No. 07-03**

**Request of JERRY'S SELF-STORAGE (SABINI)**

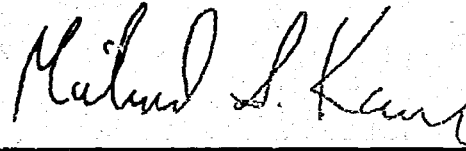
**for a VARIANCE of the Zoning Local Law to Permit:**

**Request for:**

**2.31 acres Gross Minimum Lot Area**  
**0.31 acres Net Minimum Lot Area**  
**9 ft. Minimum Lot Width**  
**26 Parking Spaces**

**375 Self-Storage Units at Toleman Road and Rt. 207 in an OLI Zone (29-1-92.2)**

**PUBLIC HEARING will take place on FEBRUARY 26, 2007**  
**at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York**  
**beginning at 7:30 P.M.**



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**Michael Kane, Chairman**



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

January 25, 2007

Gerald Sabini  
PO Box 522  
Vails Gate, NY 12584

Re: 29-1-92.2      ZBA#: 07-03 (17)

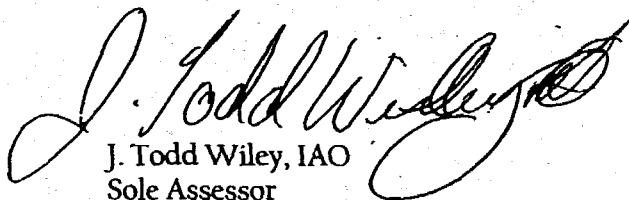
Dear Mr. Sabini:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$35.00 minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's Office.

Sincerely,

  
J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board

29-1-27.1  
DANIEL &  
DIMITROULA DUTESCU  
539 TOLEMAN RD.  
ROCK TAVERN, NY 12575

29-1-27.2  
JAY & DIANE OLDHAM  
551 TOLEMAN RD.  
ROCK TAVERN, NY 12575

29-1-27.3  
GEORGE & IGA GOTTLIEB  
561 TOLEMAN RD.  
ROCK TAVERN, NY 12575

29-1-27.51  
SUNSET CREST REALTY CORP.  
661 LITTLE BRITAIN RD.  
NEW WINDSOR, NY 12553

29-1-27.52  
MARY CZUMAK  
18 SCHOFIELD LANE  
CORNWALL, NY 12581

29-1-28.1  
UNITARIAN SOCIETY OF ORANGE  
COUNTY  
9 VANCE RD.  
ROCK TAVERN, 12575

29-1-28.21  
JOSEPH, LUCY &  
ANGELO FEOLA  
11 VANCE RD.  
ROCK TAVERN, NY 12575

29-1-62  
WILLIAM & PHYLLIS EICH  
538 TOLLEMAN RD.  
TOCK TAVERN, NY 12575

29-1-63  
RONALD &  
DEBORAH EATON  
530 TOLEMAN RD.  
ROCK TAVERN, NY 12575

29-1-91.2  
STOWAWAY SELF STORAGE  
C/O ROBERT VOLLERS  
PO BOX 5297  
NORTH BRANCH, NJ 08876

29-1-93  
ROCK TAVERN VILLAGE LP  
400 BARMAR DR.  
STONY POINT, NY 10980

52-1-14  
SCOTT &  
CHRISTINE LADRICK  
520 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-15.1  
CRAIG & CARRIE CALLAHAN  
527 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-58.1  
MELANIE & ROBERT O'KEEFE  
521 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-58.2  
GERALD & DEBRA LORRAINE  
515 TOLEMAN RD.  
ROCK TAVERN, NY 12575

52-1-58.3  
PATRICIA NAF  
C/O ELAINE DOMINQUEZ  
229 CONKLINTOWN RD.  
GOSHEN, NY 10924

52-1-107  
LESTER CLARK &  
HENRY VANLEEUEWEN  
400 BAMAR DR.  
STONY POINT, NY 10980

PRELIMINARY MEETINGS:

JERRY'S\_SELF-STORAGE\_(SABINI)\_(07-03)

Mr. Gerald Zimmerman and Mr. Jerry Sabini appeared before the board for this proposal.

MR. KANE: Request for 2.31 acre gross minimum lot area .31 acre net minimum lot area, 9 foot minimum lot width, 26 parking spaces for addition to existing self-storage units at Toleman Road and Route 207 in an OLI zone. Evening, sir, just state your name and speak clearly for this young lady over here.

MR. ZIMMERMAN: My name is Gerry Zimmerman, Zimmerman Engineering and I represent the applicant for tonight's meeting.

MR. BABCOCK: Mr. Chairman, can I just correct the agenda here for the record? The agenda says for an addition to the existing self-storage, there is no self-storage unit here now, this is a new building, stands by its on.

MS. MASON: I thought it was part of the one that's already there.

MR. BABCOCK: No, this is a separate lot.

MR. KANE: So we'll just go for self-storage units, cross out an addition to existing.

(Whereupon, Ms. Gann entered the room.)

MS. ZIMMERMAN: What the applicant is proposing is to construct a single building for self-storage, building will be proposed to be four stories in height for a total of 64,000 square feet of storage area. The proposal is to construct this building on an existing lot which is in the OLI district and the district does

permit self-storage units. The location of the site as you previously read is on Toleman Road, the intersection with Route 207 and this location in this area there already exists a self, a complex, self-storage units which you can see on the first sheet of the plan, I guess called Stowaway Self-Storage.

MR. KANE: So this isn't involved with them at all?

MS. ZIMMERMAN: It's not involved with them at all, it's only for information and identification purposes. So we have been before the planning board and they have reviewed this application and because the lot area is deficient in its size that's one of the variances that we're looking to have the board grant for this use. The zoning requires a gross lot area of five acres and this site is approximately 2.7 acres and also the net lot area which is 3 acres requirement we're proposing 2 1/2 acres so that's two of the variances that we're looking to get. There's another variance required for lot width and there the zoning requires 200 feet, this lot is slightly shorter than that, I believe it's 192 feet, this condition was not a self-created situation, when the property was subdivided, that was the lot area, the lot width that was provided so we have no control over that. And the last variance that we're looking for is for on-site parking and the zoning requires for 375 units which is proposed on this, site requires 38 parking spaces and we're proposing 12 parking spaces. So if I can speak to each of those issues perhaps I will start with the parking. Historically, this type of use self-storage units pretty much requires minimal parking. For example, the property next door which has a similar use only has I believe like 10 parking spaces and--

MR. SABINI: There's 422 units there, I used to own that complex, I built it and I sold it five years ago.

MS. ZIMMERMAN: And there are, we have looked at a



couple of others in the town and the parking provided is again fairly minimal, I mean, as I'm sure you're aware the type of use is people pull up and it's not long term parking, they're there for a short period of time, they come in, they unload or load their car and move out. So historically the parking isn't an intense type of use, so we believe that parking that we're providing 12 spaces should be more than adequate to serve this facility.

MR. LUNDSTROM: May I interrupt? It says 12 spaces yet on our agenda it says 26 spaces.

MS. ZIMMERMAN: That's the variance.

MR. KRIEGER: He has 12, he needs--

MR. KANE: A variance of 26.

MR. LUNDSTROM: Okay.

MS. ZIMMERMAN: Again, as far as the lot width I discussed that previously that the lot was created in that configuration and there really isn't anything that can be done about that, it's a pre-existing condition. And again it's a minor variance being requested there, 8 feet I believe it is.

MR. KANE: Going on the outside you have 22 storage spaces, 14 storage spaces?

MS. ZIMMERMAN: Yes.

MR. KANE: Can you address that?

MS. ZIMMERMAN: Those would be intended to be outside storage, people would look to rent those spaces for like a trailer or for their boat.

MR. KANE: Not so much concerned with that. My concern

then lies with illumination, how much lighting are you going to have outside? I don't mind the self-storage over here, I'm more concerned with the home to the right if you're looking at your property.

MS. ZIMMERMAN: On our third sheet of the plan I show a landscape and lighting plan and what we're proposing there is we're showing lights to be placed on the building itself which would illuminate both sides and the rear of the building as well as the front additionally we're proposing two light poles to be placed in the front where the parking is shown in the front and we are proposing lighting on those two poles. Essentially, there will be two lights on each pole and the dash line that's kind of that wavy configuration is the isolux curve to show how that illumination would take place. And what we're also proposing for the property owner to the south the individual house that you had mentioned we're proposing landscaping along that line which is also shown on the plan and we're proposing to place eight foot high Doug fir trees in that location along that line to screen this property from the residential property.

MR. KANE: Basically we're looking at really shouldn't have an affect on their home, they shouldn't be living in the middle of Broadway.

MR. SABINI: Of course trying to put the buffer in.

MS. ZIMMERMAN: So we have provided that.

MR. KANE: What about hours of operation?

MR. SABINI: I don't really need 24-7, you know, like--

MR. KANE: That's going to be more planning board, your intent is not to go 24-7?

MR. SABINI: I don't really need it, the other type of

storage, the one where they're all open, that one you do. This is more like an office building so it's like 6 a.m. to say 9 p.m.

MR. KANE: Trying to ask some questions I think would come up in the public portion of the hearing cause I think that's exactly where we're going to go the hours of operation and the lighting.

MS. ZIMMERMAN: You might have some people that come in that have a business and they'll have a code to come in but I wouldn't want it 24.

MR. BABCOCK: Mr. Chairman, just to add a little bit of this application, this lot was created in 12/3/02 by the planning board and approved by the planning board so at that time apparently it met the zoning. The zoning has changed over the years, I don't have that information with me but I'm assuming that's the problem so that would create the lot areas and the lot width problem that he has.

MR. KANE: The lot width I think is minimum, we're right there.

MR. BABCOCK: Also the lot area.

MR. KANE: Gross lot area is the big kick.

MR. BABCOCK: Except he doesn't have any room to expand so that's the problem and it was created in 2002, I don't know if you want any information from 2002 or not.

MR. KANE: I don't see it as a bad use of the property personally, especially since you already have a self-storage going on right over there. My concern is distance off the property line and just not, you know, invading the space of that home owner over there with too many evening lights and that kind of stuff.

MR. BABCOCK: Just for the record also I'd like to clarify a couple things when he was at the zoning board the applicant was at the zoning board they had actually talked about proposing a 48,000 square foot building.

MR. KANE: Planning board.

MR. BABCOCK: Did I say zoning board? Excuse me, sorry. They had proposed a 48,000 square foot building with three stories, the planning board told them to make all the changes that are necessary so they came here and got one variance altogether, the building is now four stories at 64,000 square foot so the minutes won't reflect the same.

MS. GANN: What color were you planning on making the building?

MR. SABINI: Some type of earth tone colors. Did you ever see the ones like in New Jersey? They have, it's a high-rise building and you'll see the corners are glass and you just see the certain like garage doors, maybe 10 all the way up and the rest of the sides will be all earth tone colors, it's not going to be fluorescent yellow, you know.

MS. MASON: They're always orange.

MR. SABINI: It's not going to be rude orange, you know.

MR. KRIEGER: Like highway safety orange.

MR. SABINI: Right. I think that went out in the '80s.

MR. KANE: We have pictures. Any further questions from the board?

MR. LUNDSTROM: I think there's something similar to

that here on 32, not four stories high but--

MR. KANE: Yes.

MS. ZIMMERMAN: Very similar to that, yeah, Guardian's, yes.

MR. BABCOCK: Actually, I think it's going to be the same construction people, right?

MR. SABINI: Yeah, pretty much.

MR. BABCOCK: They're involved at least same people.

MR. KANE: Any further questions? It's a fairly flat piece of property, you don't foresee any drainage problems?

MS. ZIMMERMAN: We don't, I mean, the intention there is to drain to the back of the property and the town planning board will require a storm water detention and we'll provide that.

MR. KRIEGER: This application if it were granted they'd have to go back to the planning board, correct?

MR. BABCOCK: That's correct.

MR. KANE: No further questions, I'll accept a motion.

MR. LUNDSTROM: Mr. Chair, I will offer a motion that the application for Jerry's Self-Storage as presented in the agenda be approved and allowed to proceed to public hearing.

MS. GANN: Second the motion.

ROLL CALL

MR. LUNDSTROM            AYE

January 22, 2007

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MS. LOCEY                    AYE  
MS. GANN                    AYE  
MR. KANE                    AYE

MR. KANE: You're all set.

MS. ZIMMERMAN: Thank you.

MR. SABINI: Thank you very much.

MR. KANE: Well see you at the public hearing. Again, those are the type of questions you're going to hear about, the lighting and that, I don't see anything else as a problem.

MR. KRIEGER: Very often even though technically speaking they're planning board questions oftentimes and it's the practice of the planning board when they come to decide whether or not to exercise discretionary thinking as to whether there will be a public hearing a lot of times they say the first thing they ask is well, is there a public hearing at the zoning board, what was the outcome? There was a time I used to be able to answer that question, presumably Mike answers that question now.

MR. SABINI: So we have a public hearing here at the ZBA?

MR. KANE: Usually we do two hearings, basically there's preliminary so we can get an idea of what you want to do and if there's something we need we can tell you so that you can bring it. In other towns, you walk in cold, if you don't have it they make a vote right there, you lose, so it's a two step process but it really works out kind of nice because we cover a lot of bases.

MR. BABCOCK: You didn't just get approval.

MR. SABINI: I understand.

MR. BABCOCK: You got set up for a public hearing.

MR. KANE: It's going to be the same thing basically the same questions but if any of your neighbors or anybody within 500 feet or whatever it is wants to come and ask questions then they can at that point.

MR. SABINI: Say the public hearing goes okay, right, then we go back to the planning board, do I have to have a public hearing at the planning board too?

MR. BABCOCK: Possibly, it's their discretion.

MR. KRIEGER: Yeah, that's their bailiwick, you have to by law have and this is state law have a public hearing here.

MR. KANE: We have to, they don't have to by law so but I think they generally do.

MR. BABCOCK: If there's a lot of questions about the drainage they probably will have one.

MR. SABINI: That's understandable.

MS. MASON: That's only adjoining property owners, it's not 500 foot radius.

MR. BABCOCK: Like when you say, Mike, something that we can't really deal with to the public because it's a planning board issue, not a zoning board issue, the planning board reads the minutes, they're going to say so that's all up in the air too.

MR. KANE: Cause a lot of people think we're the answer to every question they have and a lot of it we don't cover so that's where the planning board will pick it up at a meeting.

January 22, 2007

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MR. SABINI: Thank you.

MR. KANE: Motion to adjourn?

MS. LOCEY: So moved.

MR. LUNDSTROM: Second it.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MS. GANN	AYE
MR. KANE	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer





CC: BUILDING DEPT. ☐  
TOWN CLERK ☐

## TOWN OF NEW WINDSOR

### ZONING BOARD OF APPEALS

Regular Session

Date: JANUARY 22, 2007

### AGENDA

7:30 p.m. – Roll Call

Motion to accept minutes of JANUARY 8, 2007 meeting(s) as written.

#### PRELIMINARY MEETINGS:

##### 1. JERRY'S SELF-STORAGE (SABINI) (07-03) Request for:

2.31 acres Gross Minimum Lot Area

0.31 acres Net Minimum Lot Area

9 ft. Minimum Lot Width

26 Parking Spaces

*Correction Agenda*

~~for an addition to existing~~ Self-Storage Units at Toleman Road and Rt. 207 in an OLI  
Zone (29-1-92.2)

*375 storage units*

③ Lu

⑤ G

*yes 4*

*Nay 0*

Gann A  
Lundstrom A

Locey A

Kane A

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

CHECKED BY MYRA: 01-22-07 mm

DATE: 01-22-07

PROJECT NUMBER: ZBA# **07-03** P.B. # \_\_\_\_\_

APPLICANT NAME: **GERALD SABINI**

**PERSON TO NOTIFY TO PICK UP LIST:**

**GERALD SABINI**

**P.O. Box 522**

**Vails Gate, NY 12584**

TELEPHONE: **561-0220**

TAX MAP NUMBER: SEC. 29 BLOCK 1 LOT 92.2

SEC.            BLOCK            LOT           

SEC. \_\_\_\_\_ B LOCK \_\_\_\_\_ LOT \_\_\_\_\_

**PROPERTY LOCATION: CORNER RT. 207 & TOLEMAN ROAD**

**LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_**  
**(IS NOT PREPARED ON LABELS)**

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: \_\_\_\_\_

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

**SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET)** \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT)

[illegible]

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

AMOUNT OF DEPOSIT: **25.00** CHECK NUMBER: **1007**

TOTAL CHARGES:



**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**



**APPLICATION FOR VARIANCE**

January 17, 2007

Date

Application Type: Use Variance ☐ Area Variance ☒  
Sign Variance ☐ Interpretation ☐

**I. Owner Information:**

Phone Number: ( )

Rock Tavern Village, LP

Fax Number: ( )

(Name)

400 Barmar Drive, Stony Point, NY 10980

(Address)

**II. Applicant:**

Jerry's Self Storage

Phone Number: (845 ) 561-0220

(Name)

Fax Number: ( )

PO Box 522; Vails Gate, NY 12584

(Address)

**III. Forwarding Address, if any, for return of escrow:**

Phone Number: ( )

Same as II

Fax Number: ( )

(Name)

(Address)

**IV. Contractor/Engineer/Architect/Surveyor/:**

Phone Number (845 ) 782-7976

Fax Number: (845 ) 782-3148

Zimmerman Engineering & Surveying, P.C.

(Name)

148 Route 17M, Harriman, NY 10926

(Address)

**V. Property Information:**

OL1 Property Address in Question:

Lot Size: 2.69 29 1 92.2

- a. What other zones lie within 500 feet? R-1 & AP
- b. Is pending sale or lease subject to ZBA approval of this Application?
- c. When was property purchased by present owner? 1989
- d. Has property been subdivided previously? Yes If so, When: 1999
- e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? No
- f. Is there any outside storage at the property now or is any proposed? Yes Proposed

**\*\*\*\*PLEASE NOTE:\*\*\*\*\***

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

**VIII. AREA VARIANCE: (This information will be on your Building Department Disapproval form you receive)**

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
	Gross 5 acres	2.69	2.31 acres
Min. Lot Area	Net 3 acres	2.69	0.31 acres
Min. Lot Width	200 ft	191.78	9 ft
Reqd. Front Yd.	50 ft	124.9	-
Reqd. Side Yd.	50 ft	58.5	-
Reqd. Rear Yd.	50 ft	187.8	-
Reqd. St Front*	50 ft	183.55	-
Max. Bldg. Hgt.	50 ft	35	-
Min. Floor Area*	n/a	-	-
Dev. Coverage*	85%	44.6	-
Floor Area Ratio**	n/a	-	-
Parking Area	1/10 = 38	12	26 spaces
Reqd. Total Side Yard	100 ft	123.5	

\*Residential Districts Only

\*\*Non-Residential Districts Only

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**TOWN OF NEW WINDSOR  
ZONING BOARD OF APPEALS**

**APPLICATION FOR VARIANCE - continued**

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

SEE ATTACHED SHEET

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

**COMPLETE THIS PAGE ☐**

**IX.**

The area variance requested for this site should be granted for the following reasons:

The self storage units as proposed will offer no detriment to the health, safety and welfare of either the neighborhood or the Town as they will offer no increase in noise, odors, traffic or other foreseeable nuisance issues. No un-desirable changes or other detriment to nearby properties will be created as a similar facility already exists in this neighborhood.

The benefit sought by the applicant cannot be achieved by other means as this is an existing lot and its area and width cannot be increased. The variance requested for onsite parking will provide a similar number as that on the existing facility in the area. The variance requested for gross lot area is approximately half of the required lot area however this condition pre-exists. The lot width is also a pre-existing condition and nine feet is not a significant amount.

The requested variances will not have an adverse effect on the neighborhood or district as they neither propose nor allow any impact to the physical or environmental conditions currently existing in either the neighborhood or district.

The difficulties except for the parking are as stated before pre-existing conditions and not self created.

**XII**

**a.**

The plan as proposed seeks to improve the drainage facilities as they presently exist in the area of the project. Landscaping is proposed on the plan in an effort to ease the transition from industrial use to residential use.

**XII. ADDITIONAL COMMENTS:**

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

SEE ATTACHED SHEET

**XIII. ATTACHMENTS REQUIRED:**

- 4 copies → ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☒ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☒ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☒ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☒ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☒ Photographs of area that variance(s) is/are being requested for showing relationship to property lines (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

**XIV. AFFIDAVIT.**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE )

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

17<sup>th</sup> day of January 2007.

[Signature]  
Owner's Signature (Notarized)

Henry J. Van Buren  
Owner's Name (Please Print)

[Signature]  
Signature and Stamp of Notary

DEBORAH GREEN  
Notary Public, State of New York

Qualified in Orange Co Applicant's Signature (If not Owner)

#4084008

Commission Expires July 15, 2007

**PLEASE NOTE:**

**THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.**

COMPLETE THIS PAGE ☐

**APPLICANT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
**TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS**

Rock Tavern Village, L.P., deposes and says that he resides  
(OWNER)  
at 400 Barmar Drive; Stoney Point, NY 10980 in the County of Rockland  
(OWNER'S ADDRESS)  
and State of New York and that he is the owner of property tax map  
(Sec.        Block        Lot       )  
designation number (Sec. 29 Block 1 Lot 92.2) which is the premises described in  
the foregoing application and that he authorizes:

Jerry Sabini; PO Box 522; Vails Gate, NY 12584  
(Applicant Name & Address, if different from owner)  
Zimmerman Engineering & Surveying, P.C. 148 Route 17M, Harriman, NY 10926  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: January 17, 2007  
Sworn to before me this:  
17<sup>th</sup> day of January 2007

\*\*  
[Signature]  
Owner's Signature (MUST BE NOTARIZED)

[Signature]  
Applicant's Signature (If different than owner)

[Signature]  
Signature and Stamp of Notary

DEBORAH GREEN  
Notary Public, State of New York  
Qualified in Orange County  
#4934 Representative's Signature  
Commission Expires July 15, 2007

**THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.**

**\*\* PLEASE NOTE:  
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**



PROJECT ID NUMBER  
2006-1072

617.20  
APPENDIX C

SEQR

STATE ENVIRONMENTAL QUALITY REVIEW

# SHORT ENVIRONMENTAL ASSESSMENT FORM

for UNLISTED ACTIONS Only

## PART 1 - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT / SPONSOR JERRY'S SELF STORAGE	2. PROJECT NAME SITE PLAN FOR JERRY'S SELF STORAGE
3. PROJECT LOCATION: TOWN OF NEW WINDSOR Municipality	ORANGE County
4. PRECISE LOCATION: Street Address and Road Intersections, Prominent landmarks etc - or provide map EAST SIDE OF TOLEMAN ROAD, 900' SOUTH OF NYS ROUTE 207.	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification / alteration	
6. DESCRIBE PROJECT BRIEFLY: THE PROJECT IS A PROPOSED SELF STORAGE MINI WAREHOUSE BUILDING CONTAINING 60,000 S.F. ON FOUR FLOORS. THE FACILITY IS TO BE SERVED BY WELL AND SEPTIC SYSTEM.	
7. AMOUNT OF LAND AFFECTED: Initially 2.69 acres Ultimately 2.69 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If no, describe briefly: THE PROJECT WILL REQUIRE VARIANCES FOR GROSS AND NET LOT AREA, LOT WIDTH AND NUMBER OF OFF STREET PARKING SPACES.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? (Choose as many as apply.) <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park / Forest / Open Space <input type="checkbox"/> Other (describe)	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (Federal, State or Local) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit / approval: VARIANCE AS STATED ABOVE ARE REQUIRED FROM TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS.	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit / approval:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT / APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input type="checkbox"/> No N.A.	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant / Sponsor Name Signature Date: 1/18/07	

If the action is a Coastal Area, and you are a state agency,  
complete the Coastal Assessment Form before proceeding with this assessment

**PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.

☐ Yes ☐ No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.

☐ Yes ☐ No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy? Explain briefly:

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? (If yes, explain briefly:

☐ Yes ☐ No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? If yes explain:

☐ Yes ☐ No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question d of part ii was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

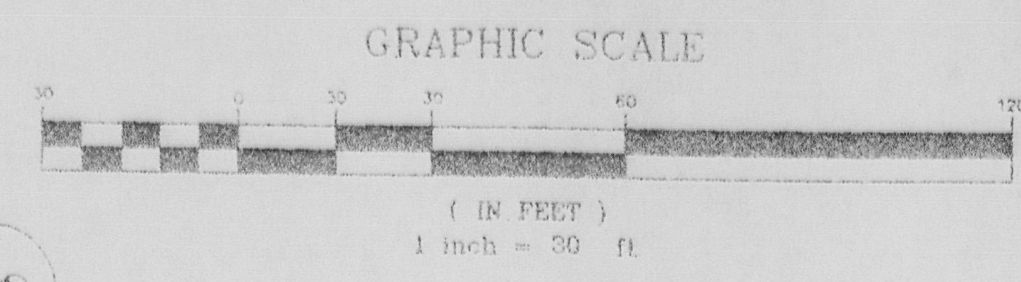
\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

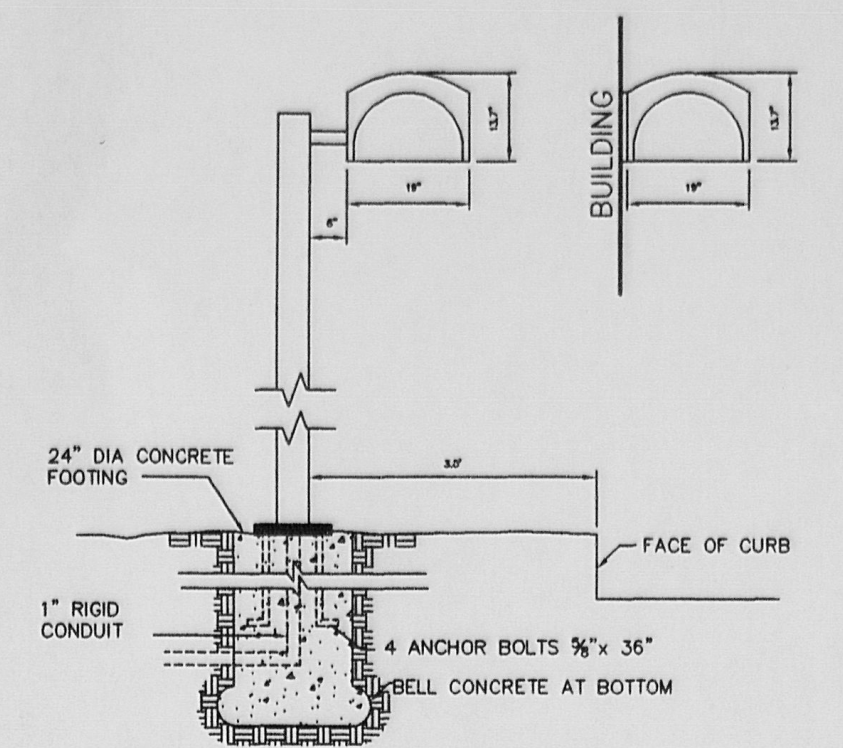
\_\_\_\_\_  
Signature of Preparer (If different from responsible officer)



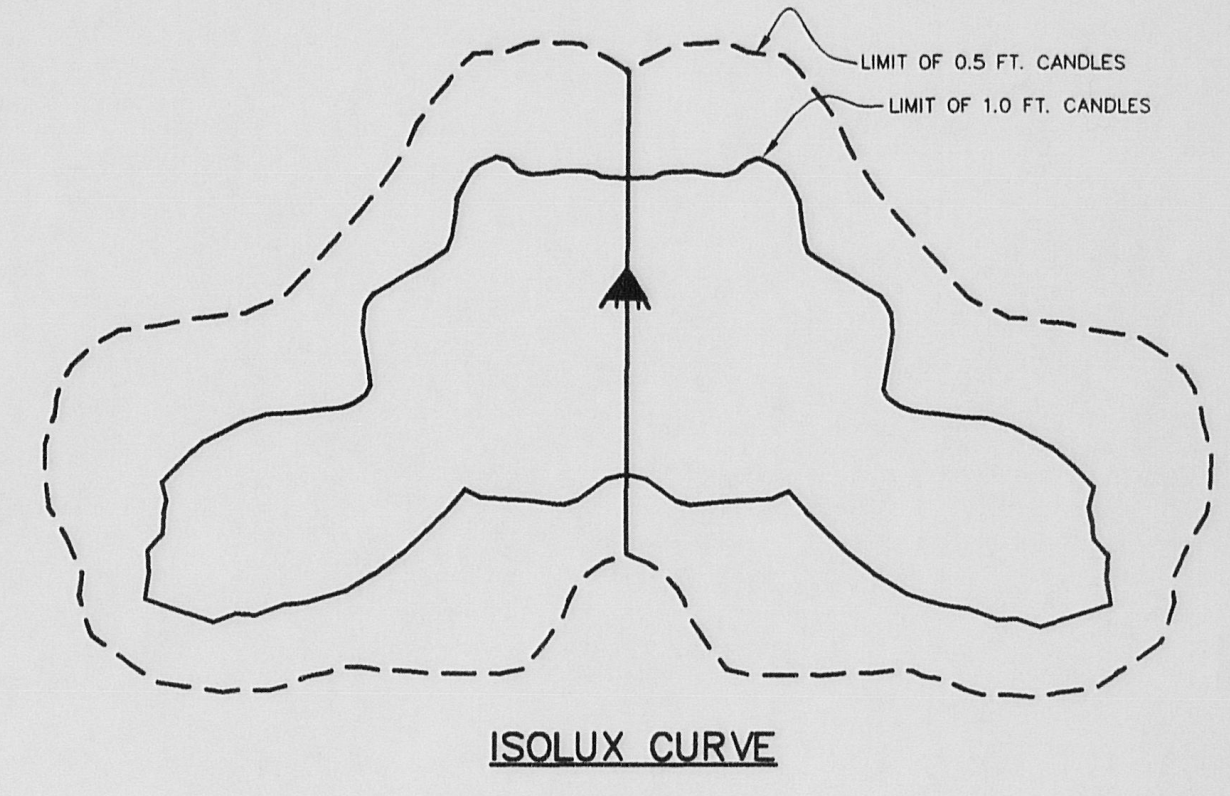


N/F STOWAWAY SELF STORAGE VII, LLC  
DEED LIBER 11459 / PAGE 1444  
S.29 - B.1 - L.91.2  
FILED MAP 257-02  
LOT #1

33' WIDE AT&T EASEMENT  
(UNDERGROUND CABLE)

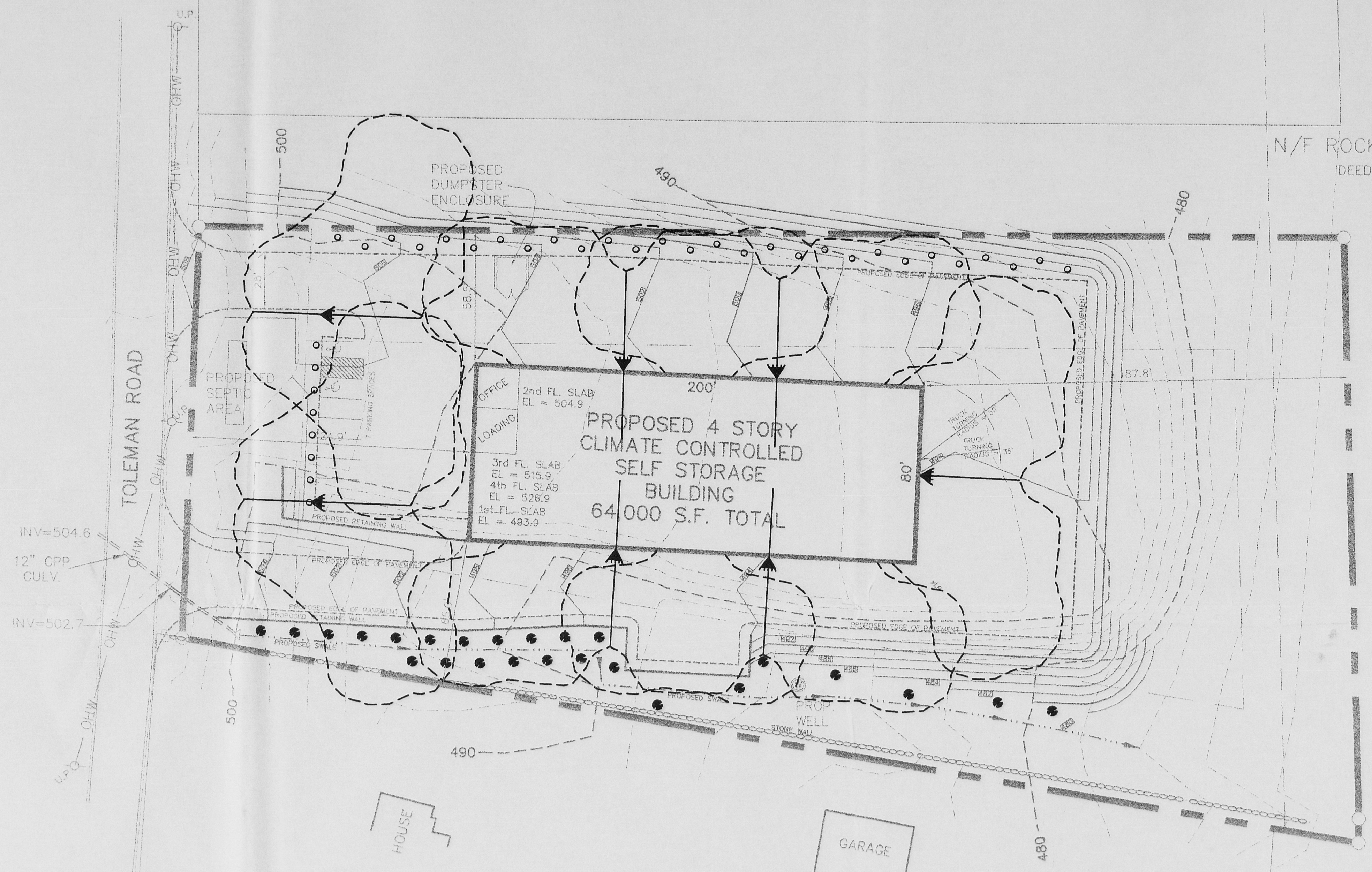


**SQUARE DOME LIGHT DETAIL**  
N.T.S.  
RIGID LIGHTING  
MODEL NO. SQUARE DOME SS3V SERIES  
200 WATT MH TYPE III  
CLEAR FLAT LENS  
21,000 LUMENS  
MOUNTING HEIGHT = 15'  
CURVES SHOWN IS 1.0 & 0.5 ISO FT CANDLES.



**LANDSCAPE LEGEND**

- 30 6'- 8' TALL DOUGLAS FIR AND BLUE SPRUCE MIX (50% & 50%) TREES SPACED AS SHOWN ON PLAN
- 36 15" TO 18" TALL SEARGENTS JUNIPER SPACED AS SHOWN ON PLAN.



N/F WILLIAM C. & PHYLLIS M. EICH  
DEED LIBER 3262 / PAGE 321  
S.29 - B.1 - L.62  
FILED MAP 7214  
LOT #1

**LANDSCAPE & LIGHTING**

**SITE PLAN  
FOR  
JERRY'S SELF STORAGE  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK**

**ZIMMERMAN ENGINEERING & SURVEYING, P.C.**  
148 ROUTE 17M  
HARRIMAN, NEW YORK 10926  
PHONE: (845) 782-7976 FAX (845) 782-3148 E-MAIL: zimeng@frontiernet.net



REVISIONS:  
1. DECEMBER 28, 2006 (P.B. COMMENTS 12-13-06)  
2. JANUARY 08, 2007 (WORKSHOP COMMENTS 01-03-07)

SHEET NO. **3** OF **4**  
SCALE: 1" = 30'  
DATE: NOVEMBER 22, 2006  
JOB NO. 26026 DRAWN BY: J.F.



GRAPHIC SCALE



( IN FEET )  
1 inch = 30 ft.

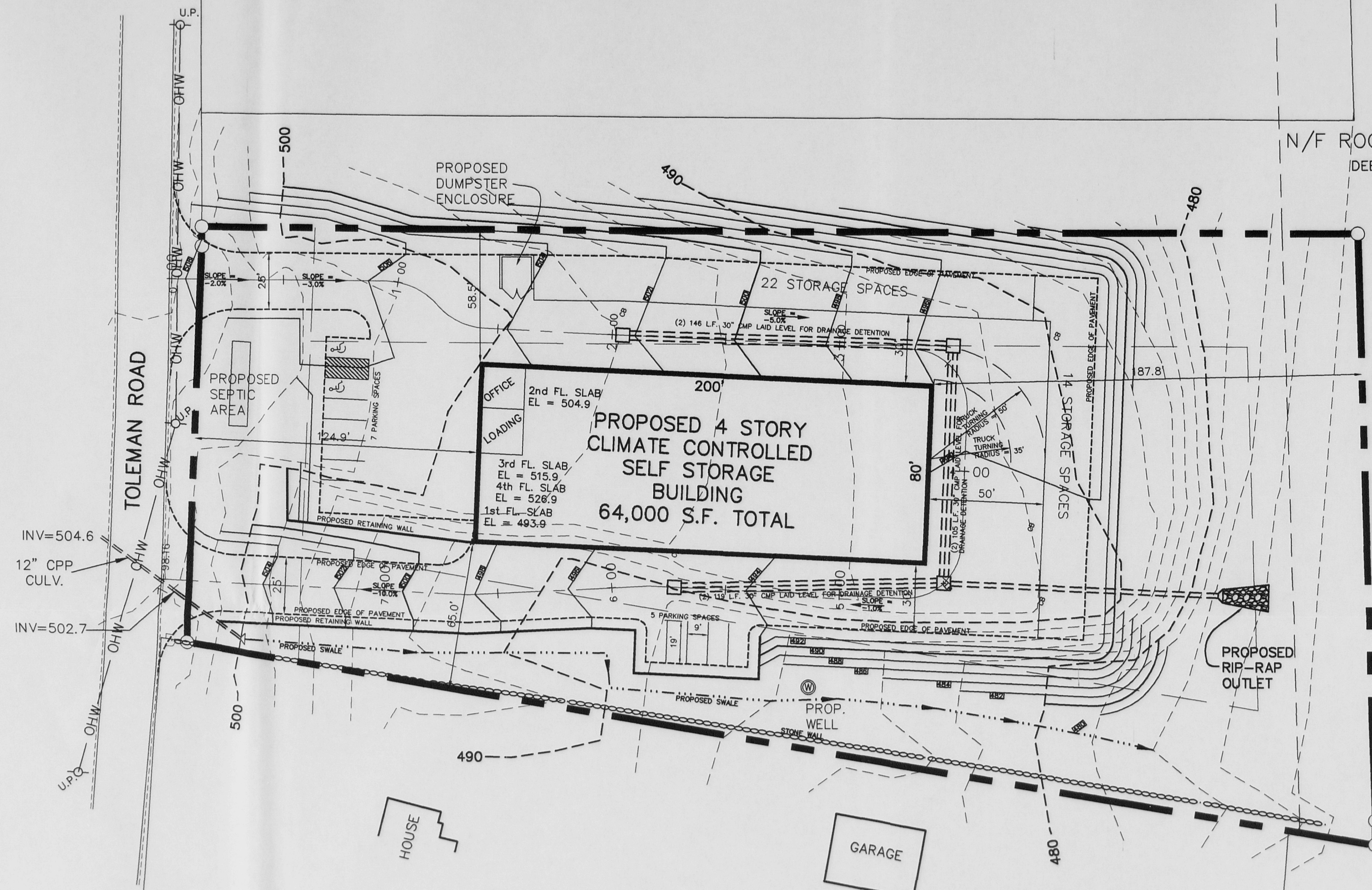
N/F STOWAWAY SELF STORAGE VII, LLC

DEED LIBER 11459 / PAGE 1444  
S.29 - B.1 - L.91.2  
FILED MAP 257-02  
LOT #1

33' WIDE AT&T EASEMENT  
(UNDERGROUND CABLE)

N/F ROCK TAVERN VILLAGE, L.P.

DEED LIBER 3067 / PAGE 190  
S.29 - B.1 - L.93  
FILED MAP 257-02  
LOT #3



N/F WILLIAM C. & PHYLLIS M. EICH

DEED LIBER 3262 / PAGE 321  
S.29 - B.1 - L.62  
FILED MAP 7214  
LOT #1

PROPOSED DISTURBANCE

PROPOSED DEVELOPMENT AREA = 87,465 S.F.  
EXISTING DISTURBED AREA = 71,311 S.F.  
TOTAL AREA OF NEW DISTURBANCE = 16,154 S.F.

PARKING ANALYSIS

AS PER SECTION 300-60 MINIMUM OFF-STREET  
PARKING REQUIREMENTS (D-44, MINI WAREHOUSES)

1 SPACE PER 10 UNITS  
375 UNITS

1/10 X 375 = 38 SPACES REQUIRED  
12 SPACES PROVIDED (VARIANCE REQUIRED)

TOWN OF NEW WINDSOR APPROVAL

PROPOSED

SITE PLAN

FOR  
JERRY'S SELF STORAGE  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

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REVISIONS:

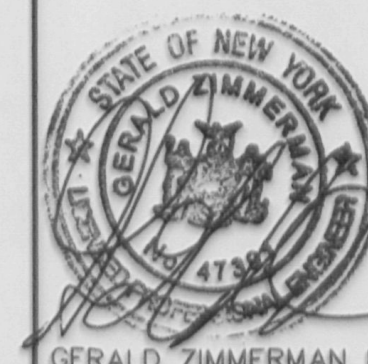
1. DECEMBER 28, 2006 (P.B. COMMENTS 12-13-06)
2. JANUARY 08, 2007 (WORKSHOP COMMENTS 01-03-07)

SHEET NO. 2 OF 4

SCALE: 1" = 30'

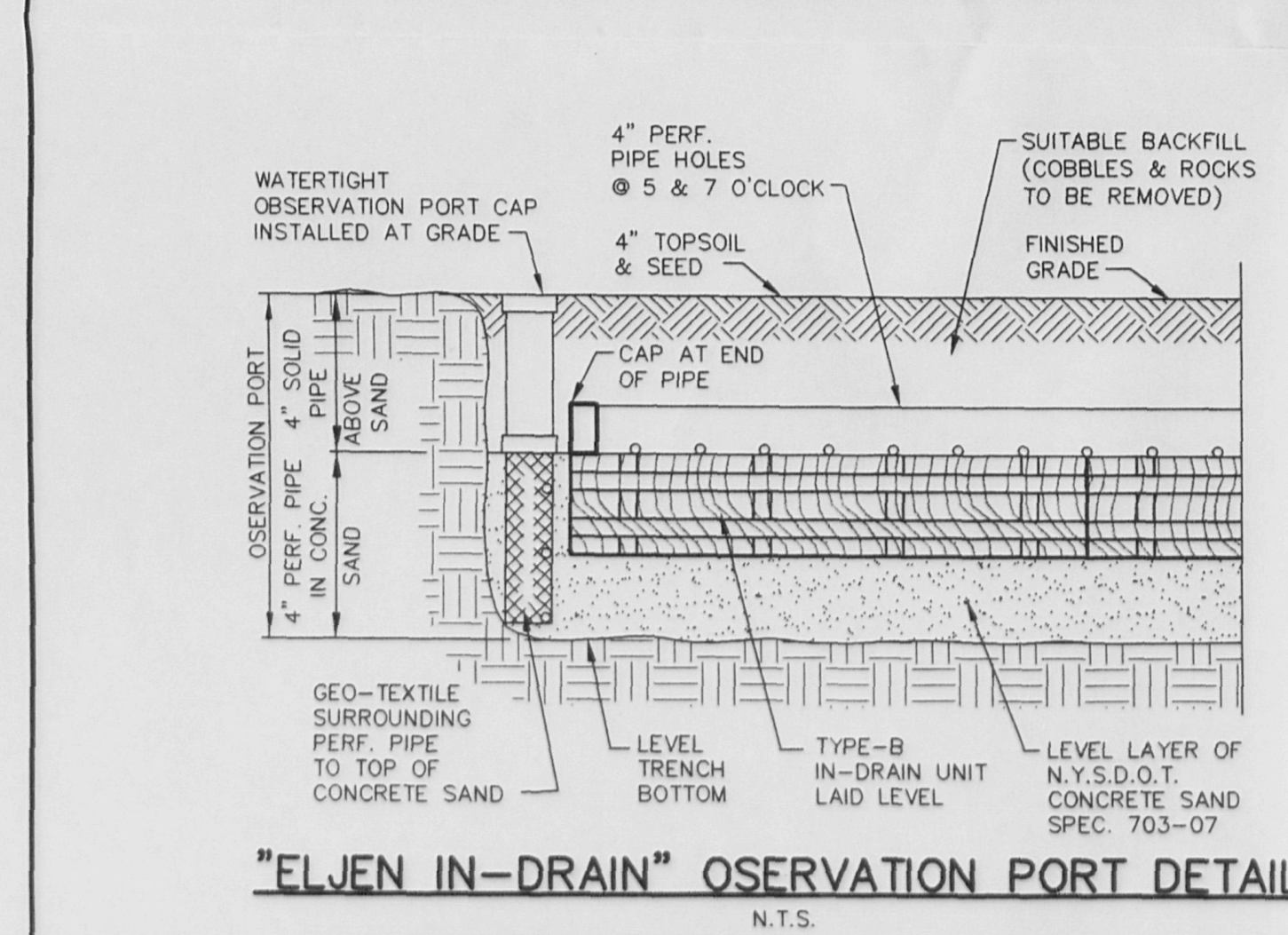
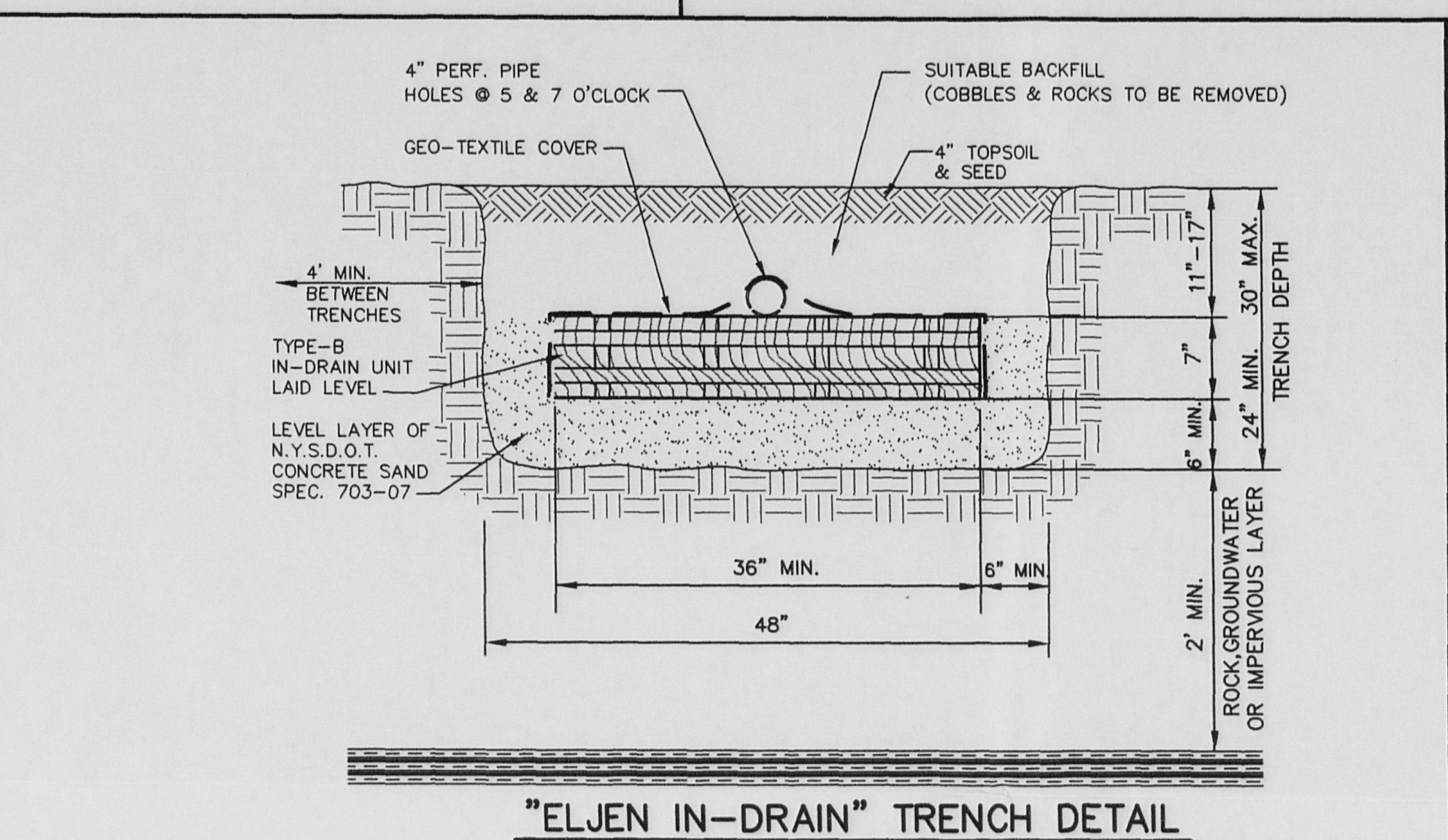
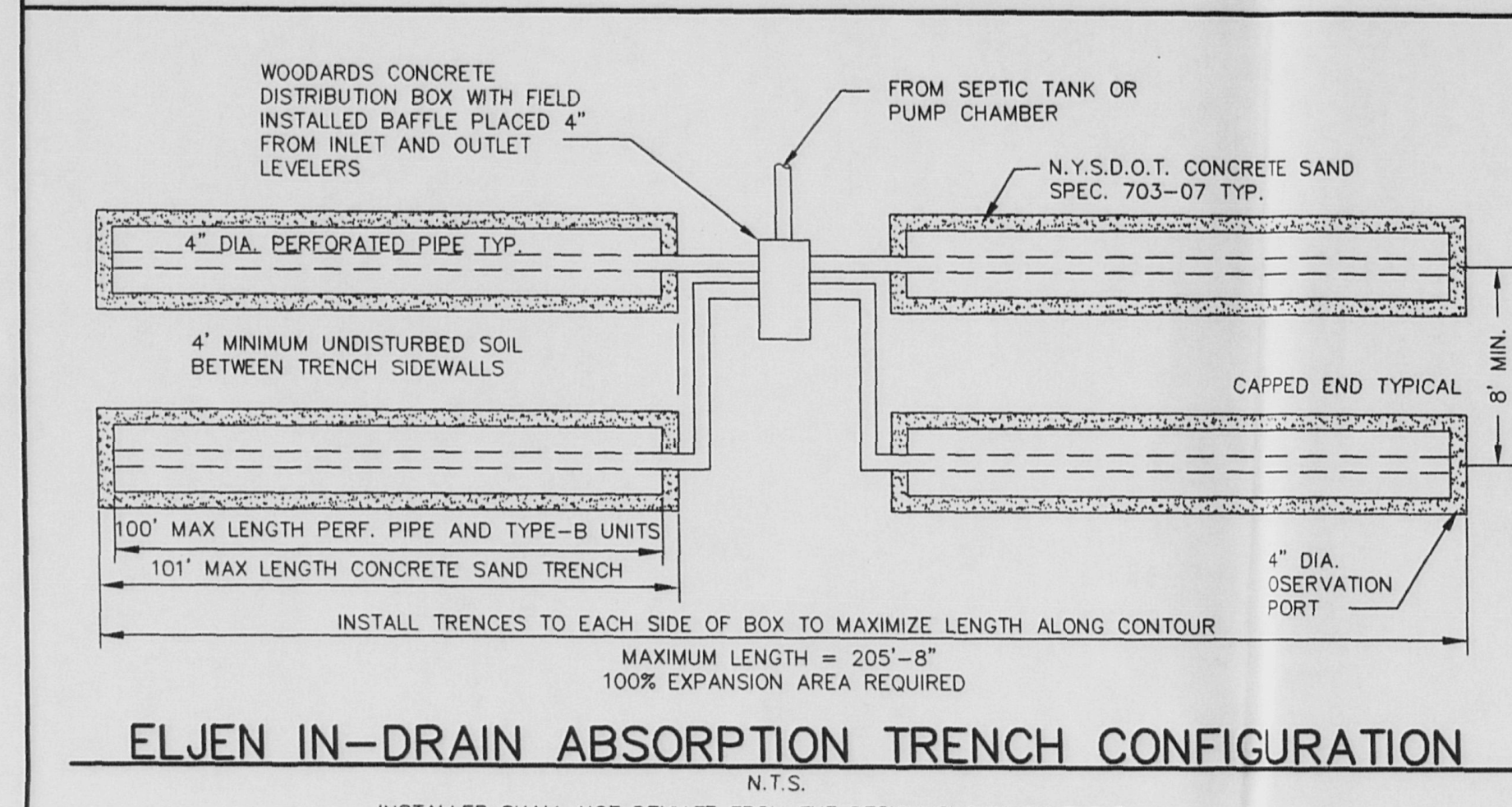
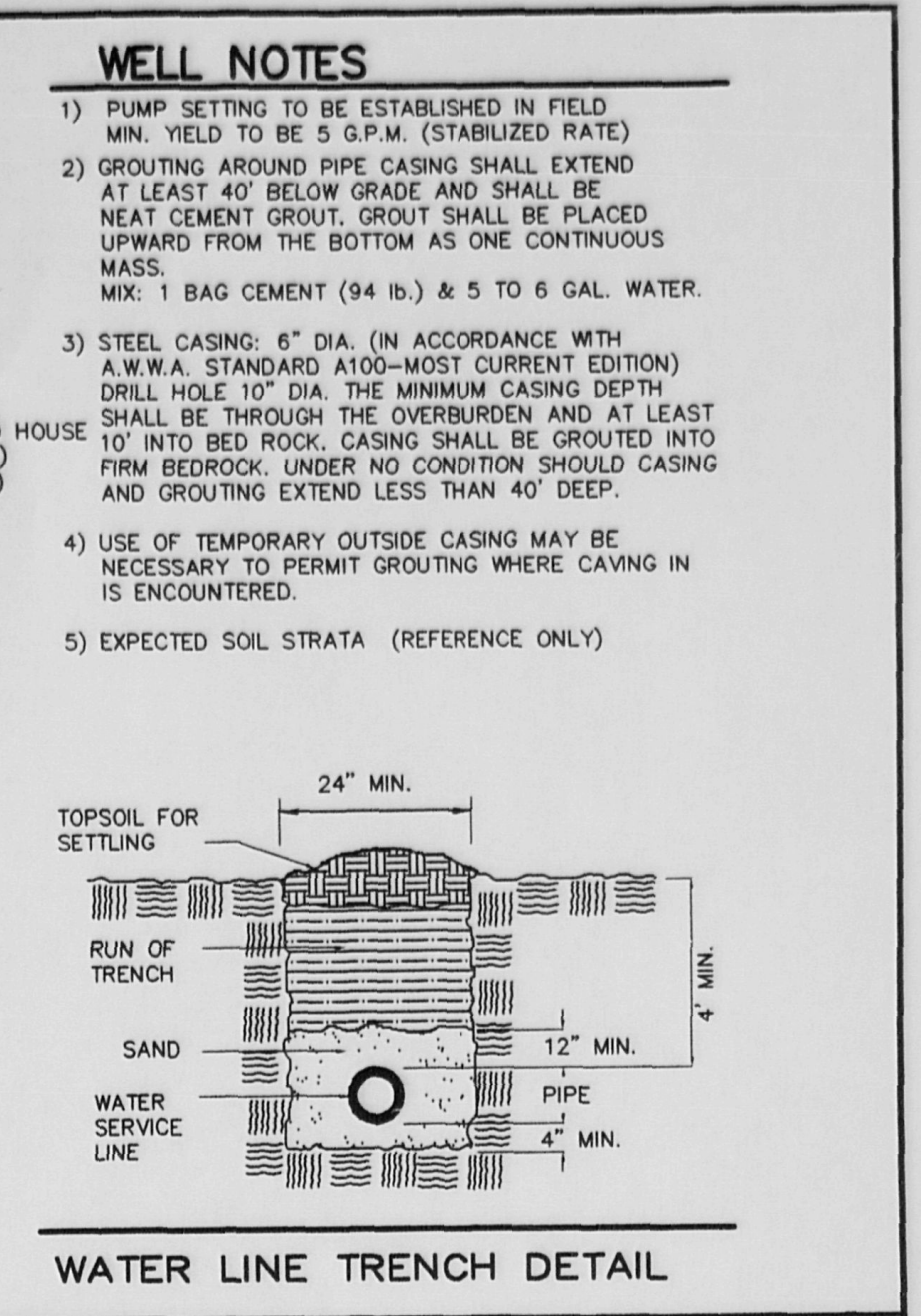
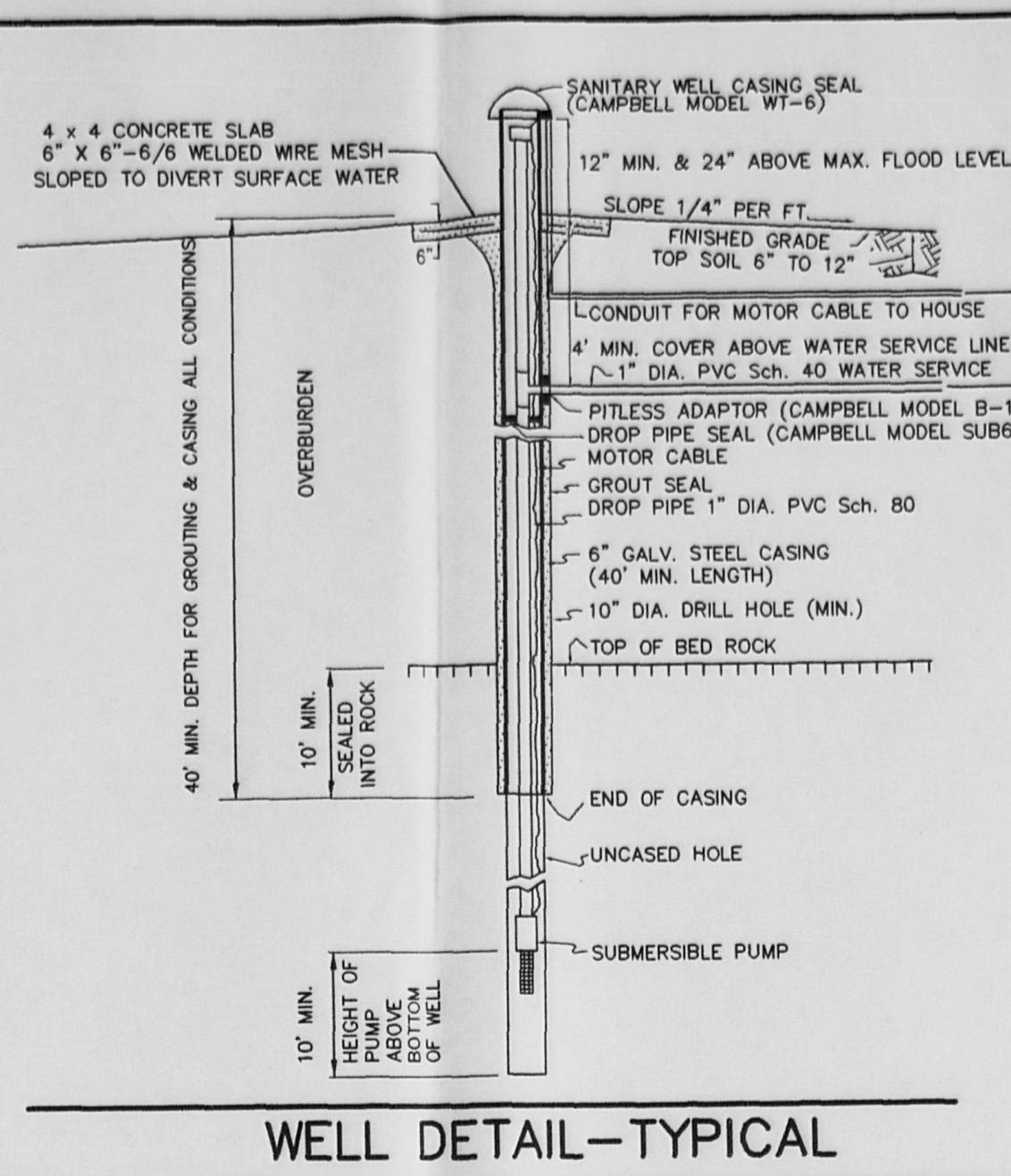
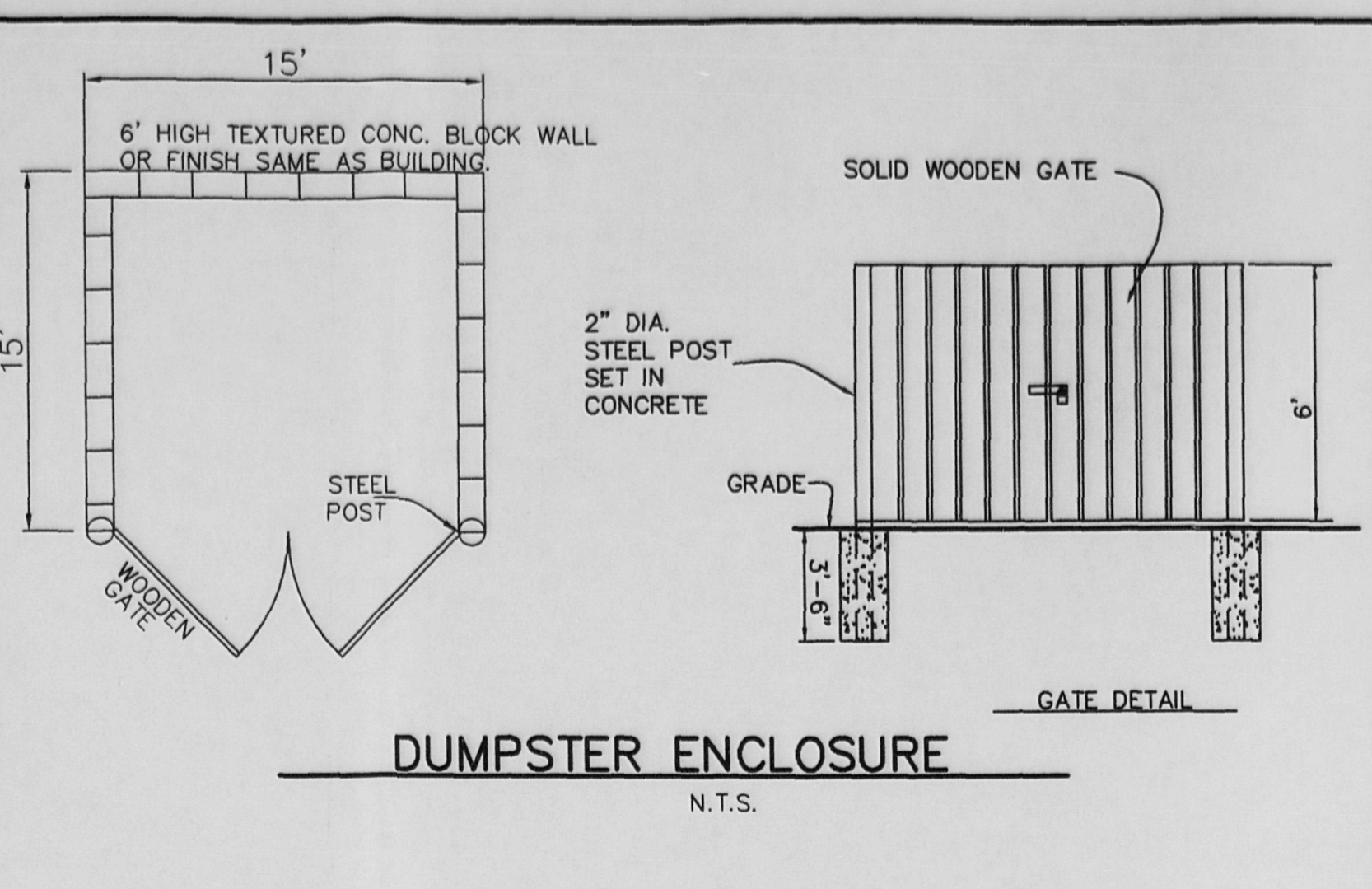
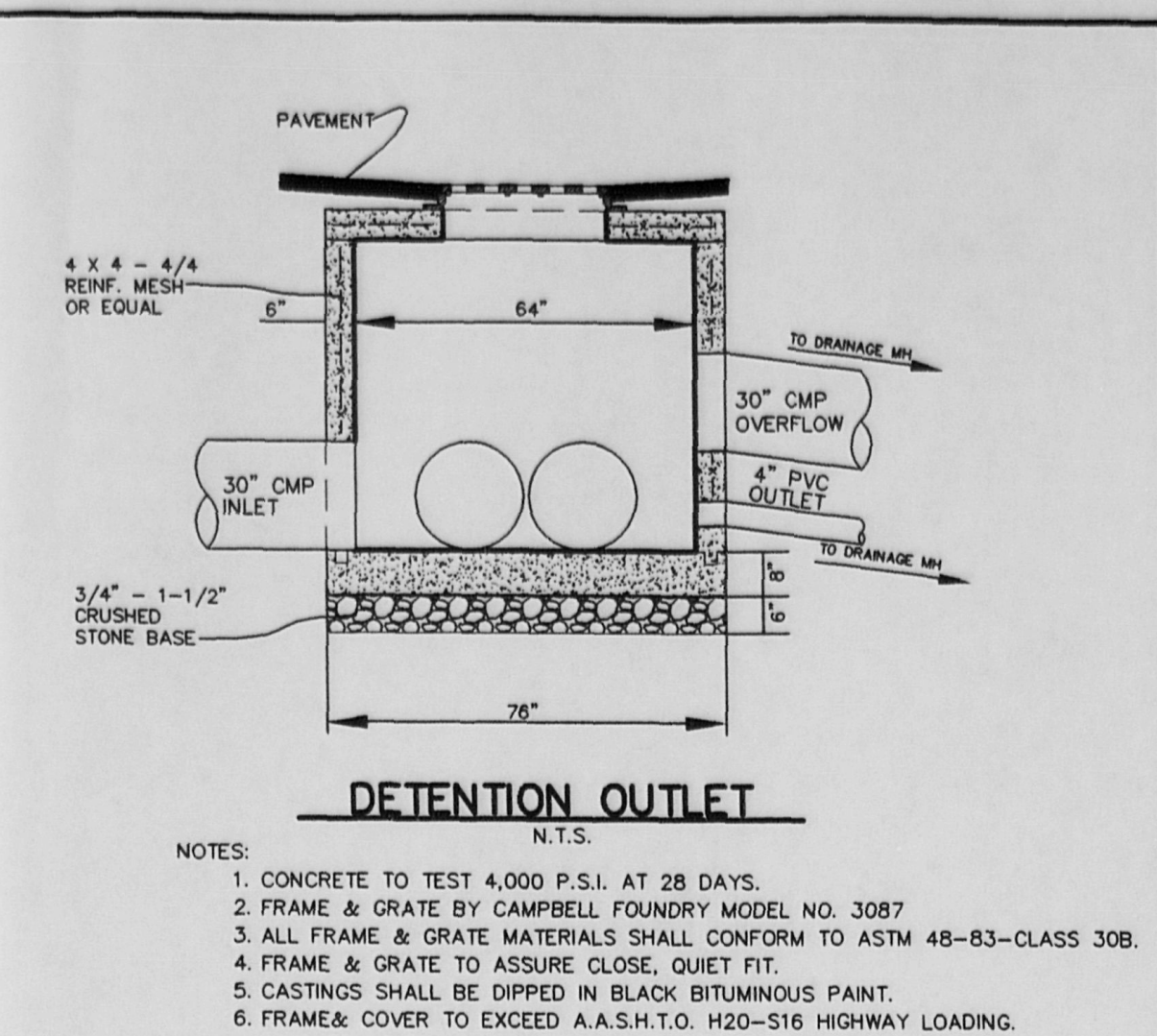
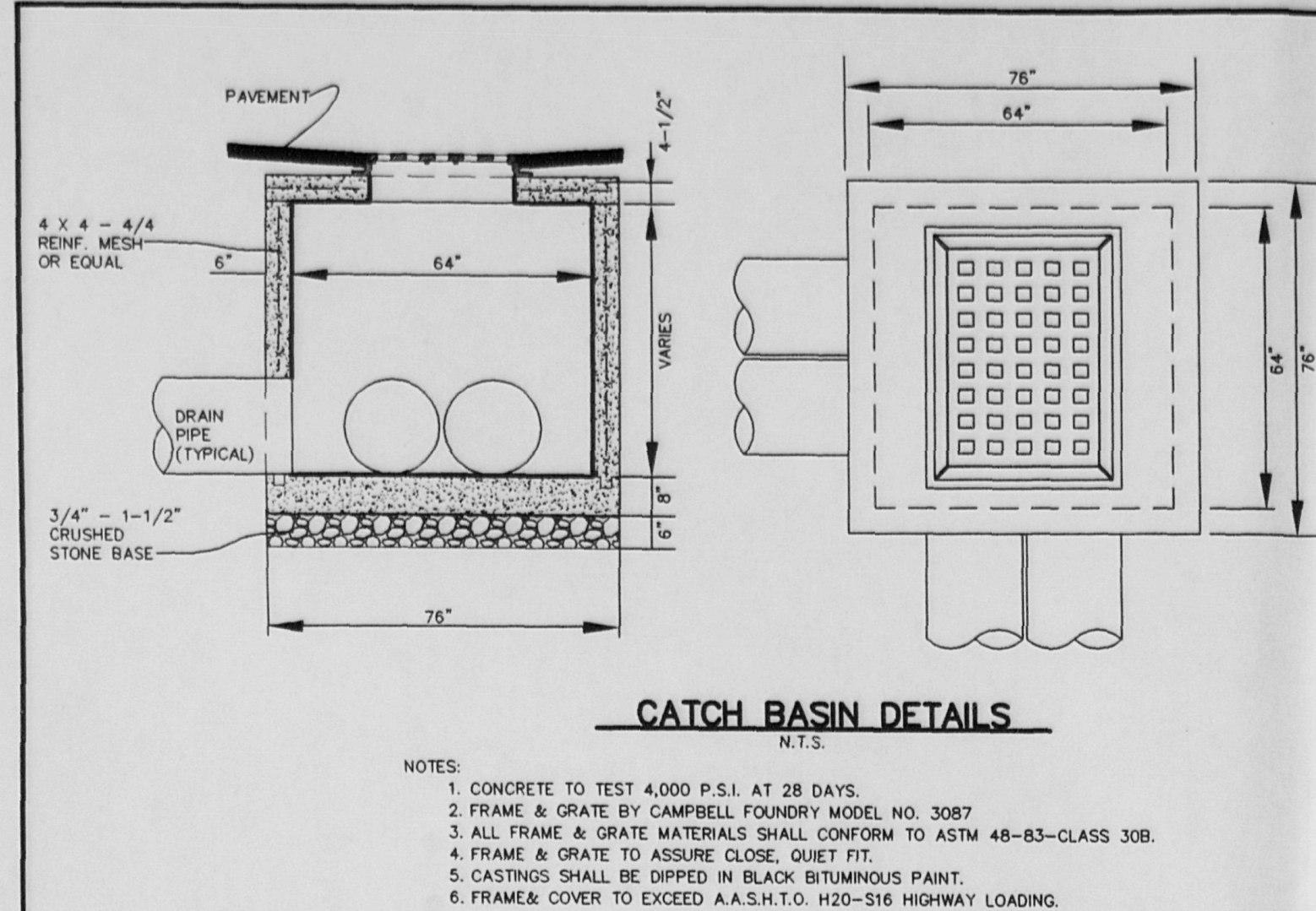
DATE: NOVEMBER 22, 2006

JOB NO. 26026 DRAWN BY: J.F.



GERALD ZIMMERMAN P.E. LIC. NO. 47391  
P.L.S. LIC. NO. 49410

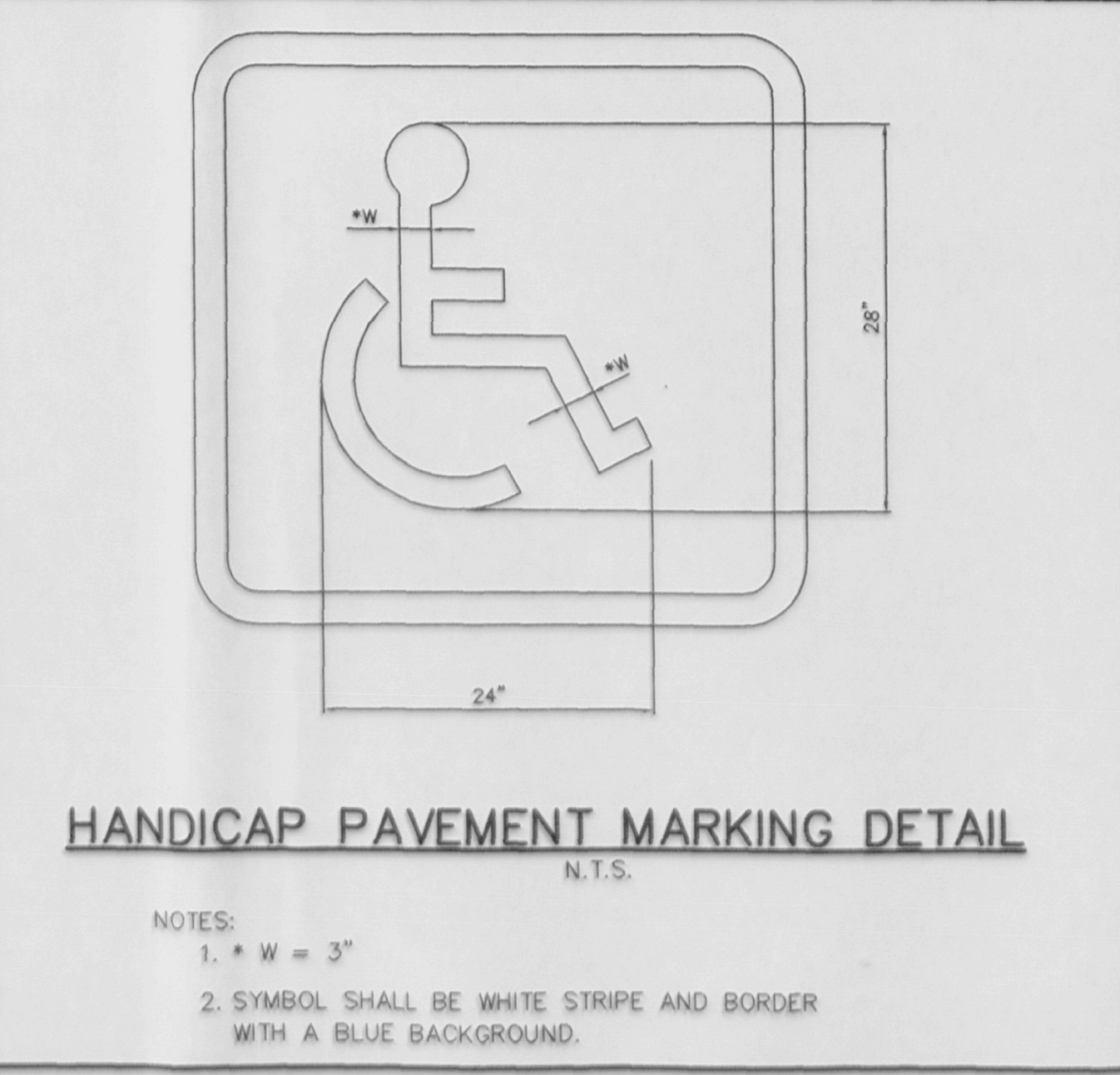
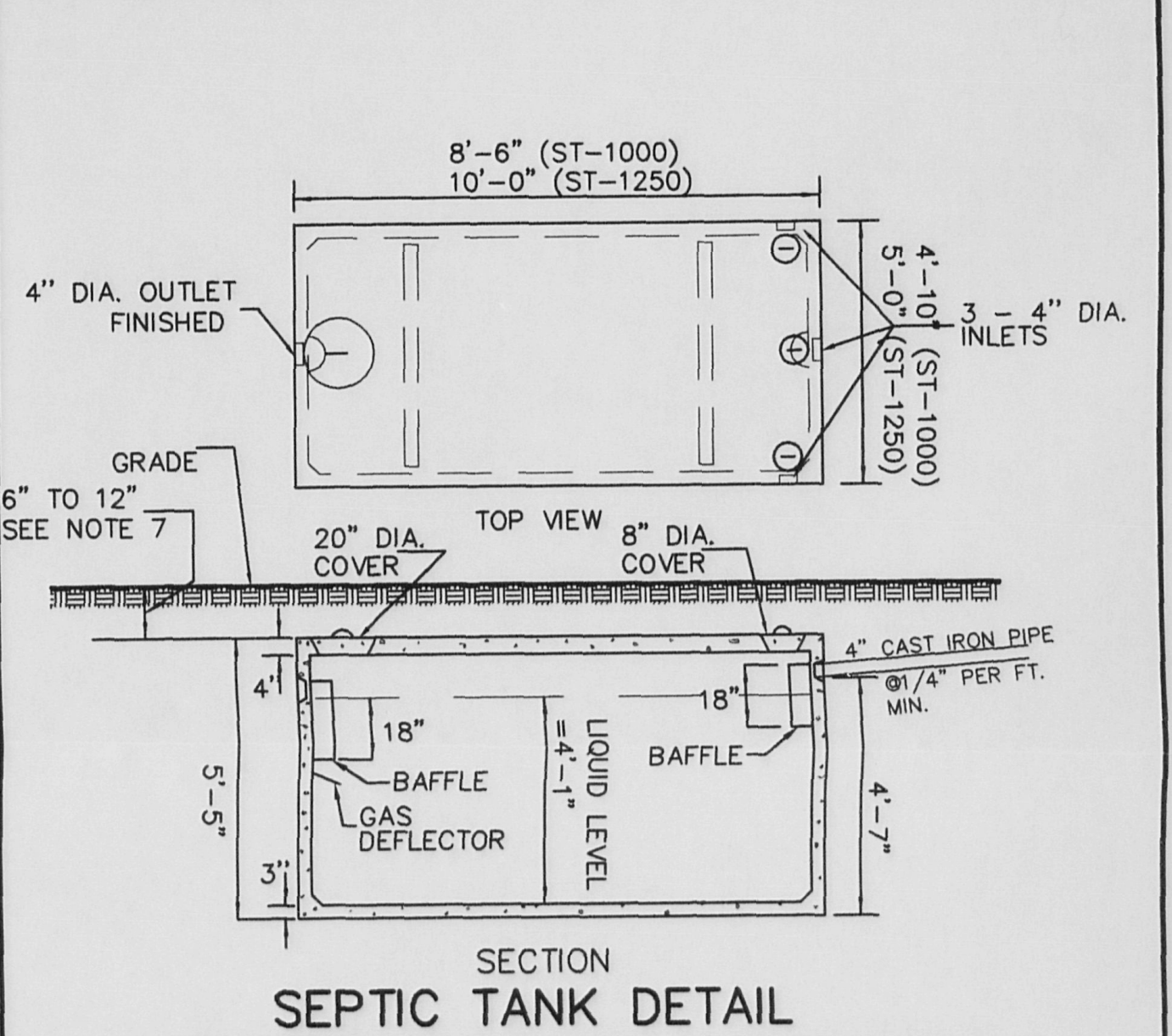
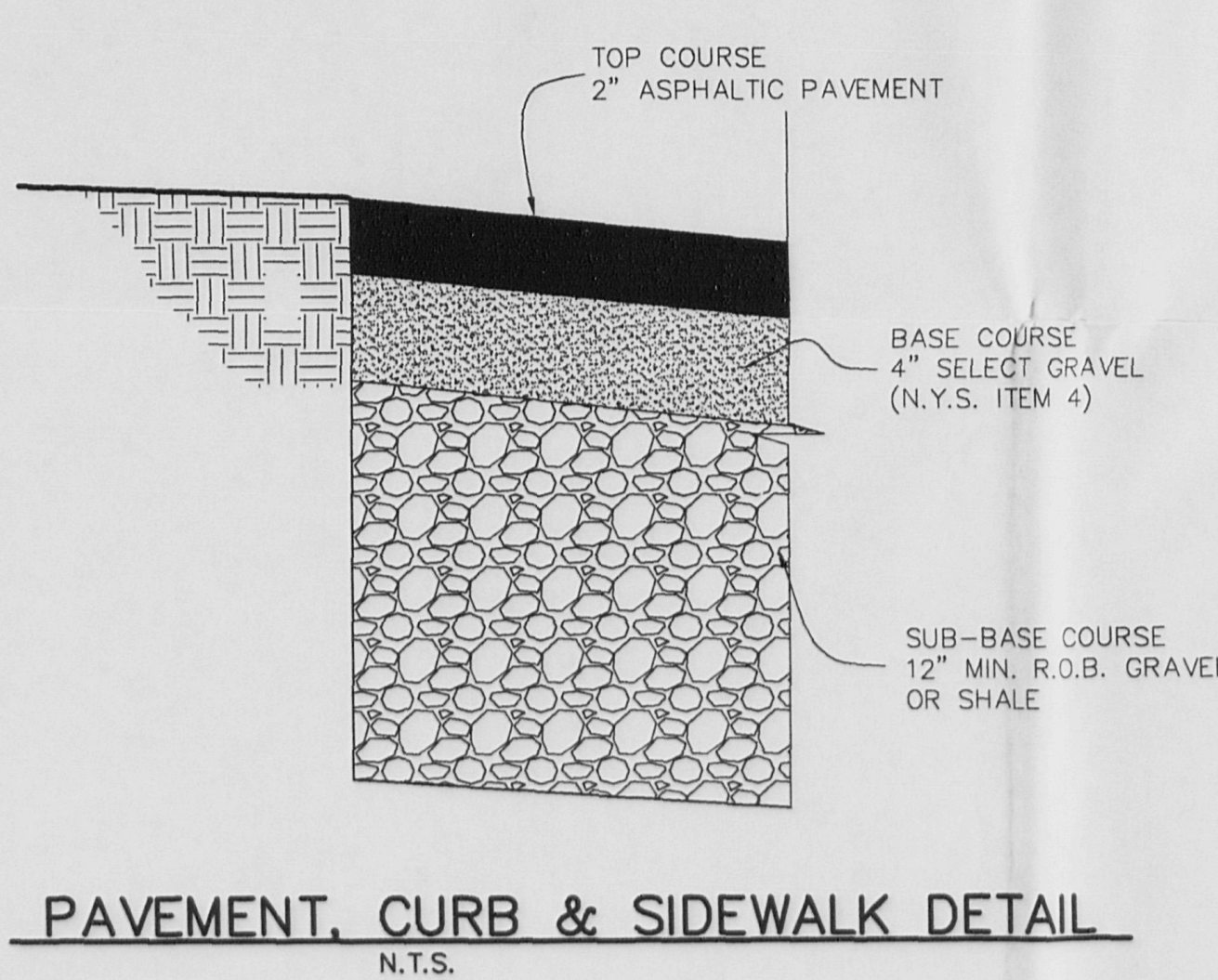




**NYSDOT SAND SPECIFICATION 703-07**

NO. 200 (WET)	PERCENT PASSING BY WEIGHT	
	MINIMUM	MAXIMUM
3/8 INCH	100	
NO. 4	90	100
NO. 8	75	100
NO. 16	50	85
NO. 30	25	60
NO. 50	10	30
NO. 100	1	10
NO. 200 (WET)	0	3

ELJEN IN-DRAIN SYSTEMS MUST BE INSTALLED BY A CERTIFIED ELJEN CONTRACTOR



STATE OF NEW YORK  
JERRY'S SELF STORAGE  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK  
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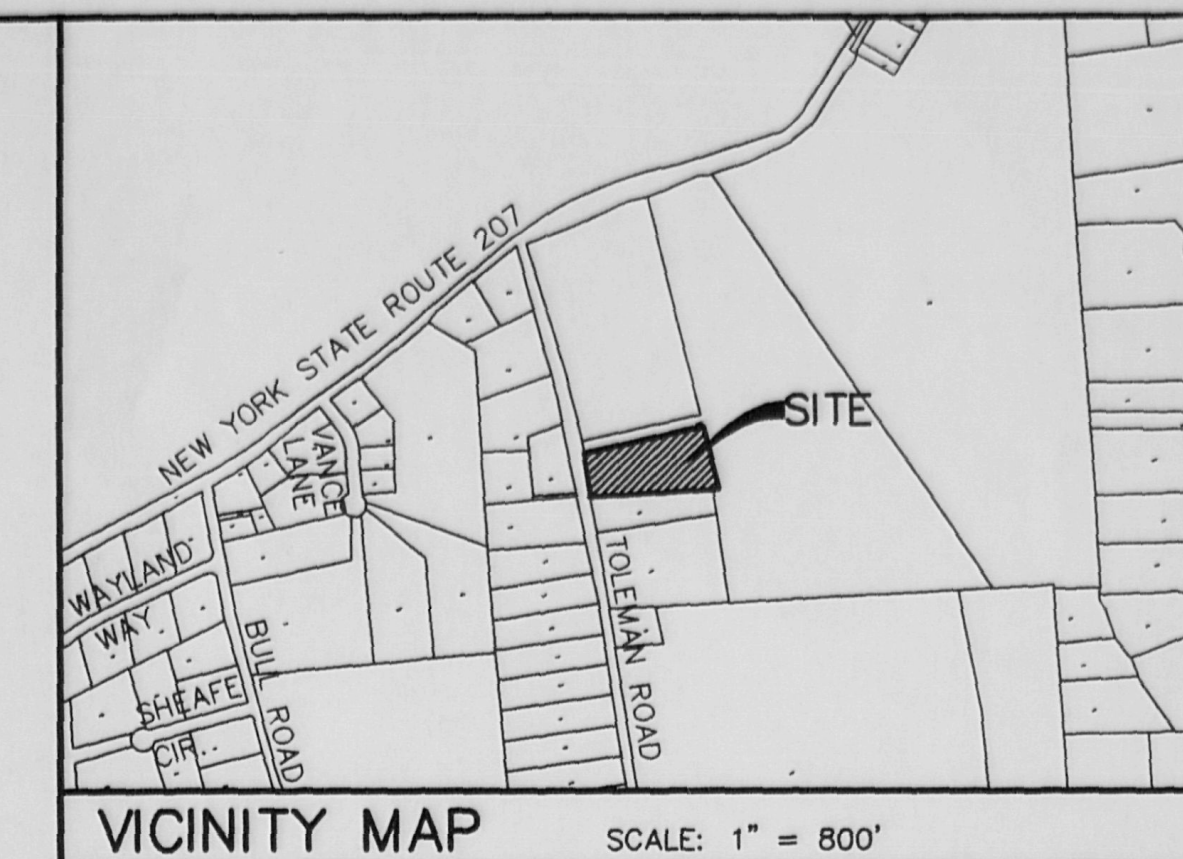
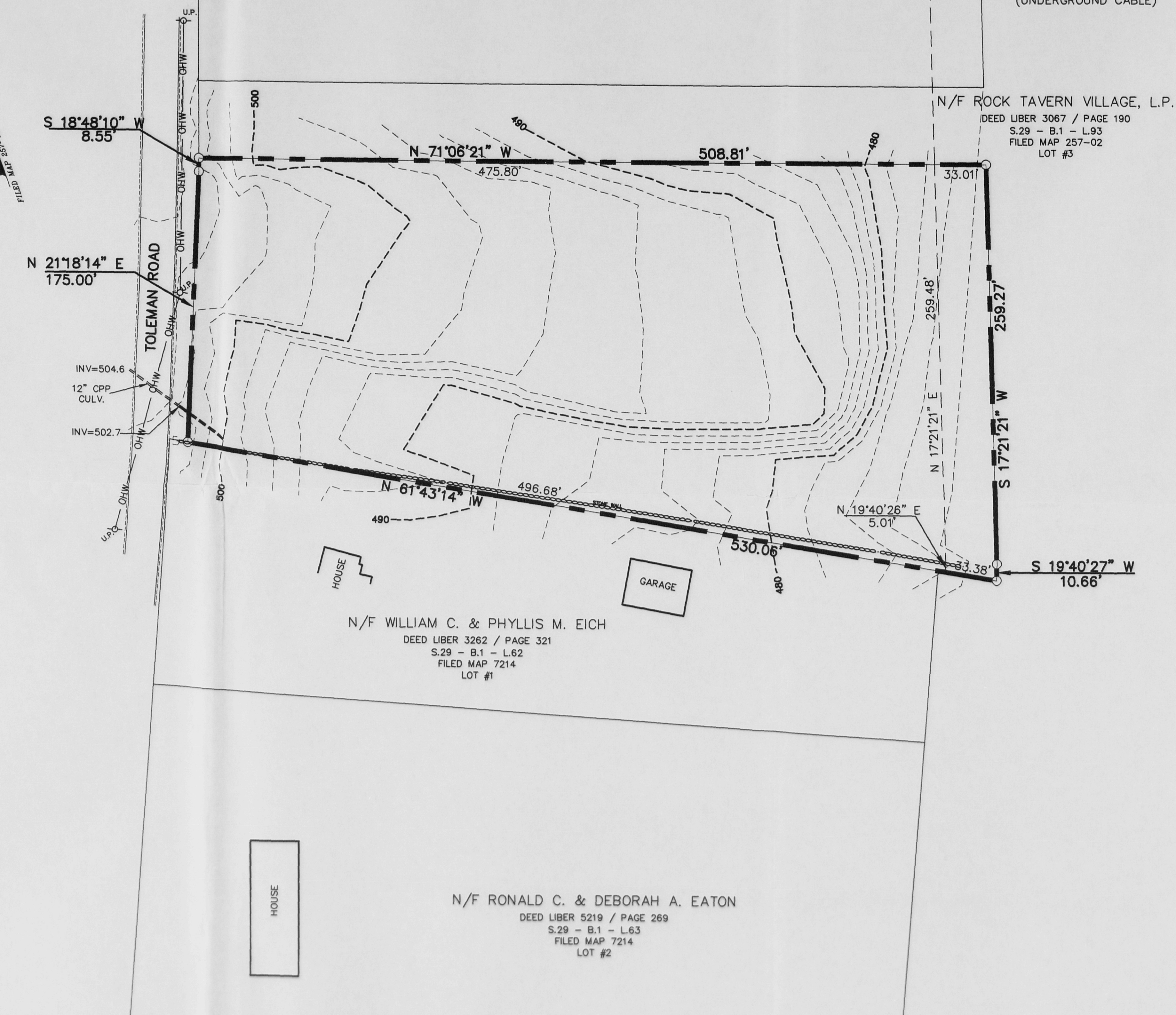
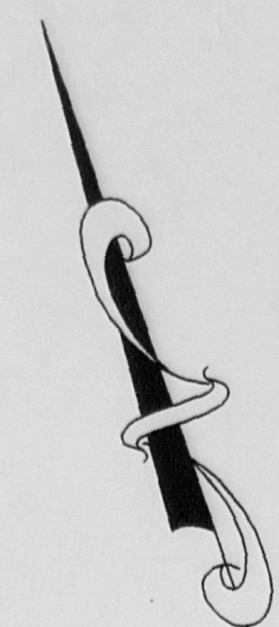
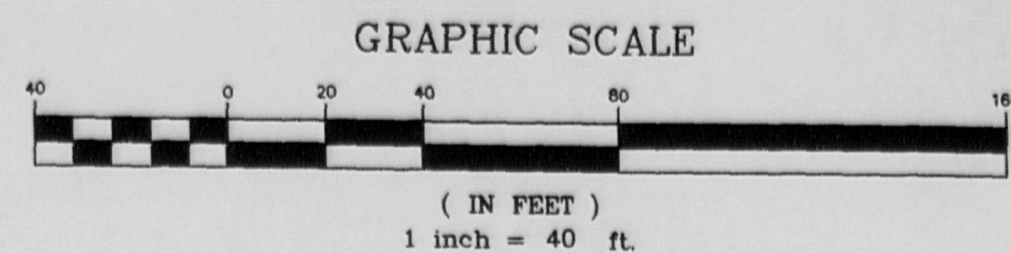
REVISIONS:  
1. DECEMBER 28, 2006 (P.B. COMMENTS 12-13-06)  
2. JANUARY 08, 2007 (WORKSHOP COMMENTS 01-03-07)

SHEET NO. 4 OF 4  
SCALE: 1" = 30'  
DATE: NOVEMBER 22, 2006  
JOB NO. 26026 DRAWN BY: J.F.

TOWN OF NEW WINDSOR APPROVAL

**DETAILS**  
**SITE PLAN**  
**FOR**  
**JERRY'S SELF STORAGE**  
**TOWN OF NEW WINDSOR**  
**ORANGE COUNTY, NEW YORK**  
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ZONING DATA

DISTRICT: OLI

	REQUIRED	PROVIDED
* MIN. GROSS LOT AREA =	5 ACRES	2.69 ACRES
* MIN. NET LOT AREA =	3 ACRES	2.49 ACRES
** MINIMUM LOT WIDTH =	200'	191.78'
MINIMUM FRONT YARD =	50'	124.9'
MINIMUM SIDE YARD =	50'/100'	58.5'/123.5'
MINIMUM REAR YARD =	50'	187.8'
MIN. ROAD FRONTAGE =	50'	183.6'
BUILDING COVERAGE =		13.6%
PAVEMENT COVERAGE =		31.0%
MAX. DEVELOPMENT COVERAGE =	85%	44.6%
FLOOR AREA RATIO =	N.A.	N.A.
MAX. BUILDING HEIGHT =	50'	35'
* REQ'D. ONSITE PARKING =	38 SPACES FOR 375 UNITS	12 SPACES

\* VARIANCE REQUIRED

\*\* PRE-EXISTING, NON-CONFORMING CONDITION (VARIANCE REQUIRED)

TAX MAP NUMBER

SECTION: 29  
BLOCK: 1  
LOT: 92.2

DEED REFERENCE

LIBER: 3067  
PAGE: 190

TOTAL TRACT AREA

116,942 S.F.  
= 2.69± ACRES

RECORD OWNER & SUBDIVIDER

ROCK TAVERN VILLAGE, L.P.      JERRY'S SELF STORAGE  
PO BOX 522  
VAILS GATE, NY 12584

MAP REFERENCE

LOT NO. 2 ON AMAP ENTITLED "MINOR COMMERCIAL LOT LINE CHANGE, ROCK TAVERN VILLAGE" TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK. FILED IN THE ORANGE COUNTY CLERK'S OFFICE AS MAP NO. 257-02 ON 12-03-02.

TOWN OF NEW WINDSOR APPROVAL

EXISTING CONDITIONS

SITE PLAN  
FOR  
JERRY'S SELF STORAGE  
TOWN OF NEW WINDSOR  
ORANGE COUNTY, NEW YORK

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